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UNIVERSITY OF ALBERTA

SLAVE MANUMISSION IN VIRGINIA, 1782-1806: THE JEFFERSONIAN DILEMMA IN THE AGE OF LIBERTY

BY

GORDON BRUCE TURTLE

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND

RESEARCH IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR

THE DEGREE OF

MASTER OF ARTS.

DEPARTMENT OF HISTORY

EDMONTON, ALBERTA

SPRING 1991

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Gordon Turtle

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SUBMITTED BY: Gordon Bruce Turtle

IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE DEGREE OF MASTER OF ARTS.

David J Lightner

Professor David Lightner

Supervisor

Burton W. Smith

Professor Burton Smith

Judith A. Garber

Professor Judith Garber

Carola M. Small

Professor Carola Small

Graduate Chairman

Date: March 8, 1991

ABSTRACT

The rhetoric of liberty and equality that emerged from the American Revolution clashed violently with the reality of slavery. Virginia and Virginians played key roles in the expression of Revolutionary ideals, yet they did little to bring the liberty and equality promised to all Americans to those held in slavery. As a pre-eminent Revolutionary Virginian, Thomas Jefferson, in his struggle with the institution which he abhorred but which was so central to his way of life, personified the dilemma experienced by the entire state of Virginia in the decades following the American Revolution.

Historians have expressed a variety of opinions on the nature of this central paradox of American history, and how it affected Jefferson and his Virginia. But most historians have paid only slight attention to Virginia's experiment with slave manumission, which lasted from 1782 to 1806. Virginia laws regulating manumission--the act of freeing a slave or slaves by an individual--were greatly liberalized during this period, allowing slaveholders to act on their Revolutionary principles of liberty and equality. Many Virginians who spoke passionately against slavery, however, men such as

Jefferson, James Madison, and Patrick Henry, did not manumit significant numbers of their sizable slaveholdings. Many historians have dismissed this failure to manumit as blatant hypocrisy on the part of these Revolutionary Virginians.

In this thesis, Virginia's manumission experiment is examined along with public attitudes and reactions to manumission and how they changed over the course of the experiment. From this examination, observations are made about the Jeffersonian dilemma of slavery in Virginia in an age of liberty. The thesis concludes that the manumission experiment was a failure, and that among whites it caused increased fear of and intolerance toward free blacks and slaves. It also concludes that the manumission experiment helped resolve the Jeffersonian dilemma by convincing white Virginians that slavery must be protected. Finally, the thesis concludes that Jefferson's own failure to manumit more than a few of his slaves, and his lack of political action against slavery, are understandable given the climate of opinion created in part by the manumission experiment.

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CHAPTER 1. INTRODUCTION: THE JEFFERSONIAN PARADOX

Ideological goals and oratory that reflected them were a driving force behind the eruption and unfolding of the American War of Independence; Revolutionary rhetoric proudly proclaimed the new nation a republic where liberty and equality would be the birthright of each citizen. As the United States drafted its constitution and embarked on its journey toward nationhood, however, a significant proportion of its population--its slaves--continued to be held in bondage and the institution of slavery was consolidated and strengthened even as Revolutionary ideals spread. During the post-Revolutionary period, the fundamental paradox of American history was manifested; in Edmund Morgan's succinct words, "The rise of liberty and equality in this country was accompanied by the rise of slavery."[1]

The rise of slavery did not occur everywhere throughout the new nation, however; northern states acted quickly after the Revolution to adopt schemes for gradual emancipation within their borders. But the state of Virginia, although the home of many of the most articulate and politically influential antislavery proponents, took no steps to end slavery and instead took steps to ensure that slavery would become a cornerstone of Virginian life for almost another century. Of all the

southern states, Virginia was the one that many anticipated would act decisively to end slavery along with its northern counterparts, for it was Virginia that articulated so much of the Revolutionary ideology and carried such influence on the national scene. In no state was the American paradox so starkly apparent as in Virginia, where slavery became entrenched despite tremendous opposition to it.

Thomas Jefferson, more than any other Revolutionary-era figure, symbolized and embodied the ideological character of the American Revolution and of his home state of Virginia. Just as Jefferson still stands as a symbol of liberty and republicanism, he also stands as a symbol of Virginia's struggle with the question of the enslavement of blacks by whites during the post-Revolutionary period. Much of the cogent and passionate antislavery appeal that came from Virginia came from the pen of Jefferson himself, and Jefferson's exquisite writings on liberty and nationhood shaped the United States and its leaders during and beyond its formative years. Many of Jefferson's ideas about the equality of men were made part of political programs in the United States, and four of the first five presidents (Jefferson, of course, included) were both powerful Virginians and subscribers to Jefferson's ideas of liberty and republicanism. Yet during the lives of

Jefferson and like-minded Jeffersonian leaders, slavery survived and grew in Virginia and throughout the South.

The moral dilemma posed by slavery in Virginia was encapsulated in Thomas Jefferson's own difficulty in reconciling his yearning for liberty with the reality of slavery. Jefferson's ambivalence on this subject reflected his entire state's inability to act upon its expressed desire to end slavery and embodied the tortuous debate that would lead the nation to civil war. The ambiguity and confusion that characterized Jefferson's attitudes and actions on slavery enabled both sides of the partisan debate of the 1850s to claim him as their intellectual and moral mentor. Merrill Peterson has illustrated how "the mirror Jefferson made for posterity . . . was the outgrowth of a deep cleavage in the orthodox political tradition," a cleavage that appeared in American attitudes toward slavery.[2] While the Republicans of the mid-nineteenth century quoted Jefferson profusely on the evils of slavery, their Democratic counterparts quoted profusely his staunch defense of agrarianism and states' rights, both of which supported the right to own slaves. Peterson also points out how abolitionists of the period, though respectful of Jefferson's theoretical hatred of slavery, muted their praise for him because it was his "political leadership [that] established the supremacy of the 'slave power' in

the country he had dedicated to freedom."[3] His antebellum critics accused Jefferson of fostering the myth of black inferiority and of popularizing the concept of colonization. Just as Jefferson still stands as a symbol of liberty and republicanism, he also stands as a symbol of Virginia's struggle with the question of slavery.

Until quite recently, American historiography had been generous to the Sage of Monticello when considering his actions against slavery, and the plethora of Jefferson biographers up to the 1960s tended to understate, if not ignore, serious questions about his attitudes toward the central moral and political question of his time. These earlier writers certainly did not downplay their subject's impassioned words against slavery; in fact, they enshrined Jefferson as the personification of antislavery thought, and simply accepted the Virginian's argument that despite his own grave doubts about slavery, there was little he could do to end it given the state of public opinion on the subject. The fact that Jefferson owned as many as 200 slaves at points in his life, and chose to free none but five of them, seemed not to concern these historians.

Some more recent historians, however, have offered a different picture of Jefferson, one that suggests

something darker and more substantial than a mere inability to swim against the tide of one's own time. Examined on the crucial issue of slavery and attitudes toward blacks, Jefferson has been characterized by these historians as, at best, a confused victim of a tortured ambivalence, and, at worst, a self-serving hypocrite. When historians began to ask seriously why Jefferson did not free his slaves, or why he did little about slavery during his presidency, the answers were frequently harsh rebuttals of earlier researchers' defenses of the republican philosopher.

Whether Jefferson deserved the criticism leveled against him by abolitionists, and whether his reputation deserves the harsh judgment of many recent historians, is the subject of this thesis. The subject will be approached by an examination of attitudes toward slave manumission in Jefferson's Virginia, and a consideration of how these attitudes might have shaped the thought of Jefferson and his peers as they struggled with the slavery question. For, while a case can be built for dismissing charges of racism because Jefferson "cannot be held responsible for having been born a white man in eighteenth-century Virginia" (as one historian has put it),[4] it will be shown that Jefferson did have the legal opportunity to free his slaves had he so chosen; he opted against such a move even though many of his peers took

advantage of the chance to take action in support of their antislavery opinions. Methodic manumission of slaves would have allowed Jefferson to ease his conscience, set an example that would have been noticed by all Virginians, and freed him from what at times was an economic burden. The options were wide open to him; he could have declared his slaves free and then hired them back as free laborers, thus eliminating any possible labor shortage. Some Virginians did precisely that.

This opportunity came in the form of liberalized manumission laws in Virginia that appeared just as the War of Independence was concluding. Manumission--the act of freeing of a slave by an individual master--had been allowed throughout the South for decades, but the terms and conditions that applied to the act were so restrictive that very few slaves earned their freedom by this method. In Virginia, however, a liberal manumission law was passed in 1782 that made the act practical. Though many states would pass similar laws, no other state (certainly no Southern state) would make manumission so easy for the guilt-ridden master.

It is the period of liberalized manumission in Virginia, which lasted from 1782 until opposition to the practice resulted in severe restrictions upon manumission being re-imposed in 1806, that will serve as the focus

period of this paper. The examination will not be so much of Jefferson himself as of the state of Virginia, which bore the stamp of Jeffersonian thought during the post-Revolutionary period. By understanding the effect of the practice of manumission on the social climate that he so influenced (though certainly did not control), perhaps an appreciation can be reached of the intellectual and moral dilemma that haunted Jefferson, a dilemma that symbolized the trauma of slavery in an age of liberty. Manumission's fate in Virginia was a harbinger of how the state would resolve its doubts about slavery as the nineteenth century progressed, a resolution firmly in favor of the institution.

To begin, however, a look at what Jefferson did say about slavery, and a review of how historians have interpreted those comments, is instructive. Jefferson's views on slavery have been thoroughly reported and discussed by many historians; this paper will only briefly summarize those views.

Why Jefferson did not take advantage of liberalized manumission is not clear. When a presumptuous Edward Coles, a young assistant to James Madison and a man who manumitted his slaves and provided them with funds to begin new lives, asked Jefferson why he had never acted similarly, the sage of Monticello replied:

> My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from all ill usage, require such reasonable labor only as is performed voluntarily by freemen, & be led by no repugnancies to abdicate them, and our duties to them.[5]

Such concerns, though genuinely founded in the grim realities of Virginian life that greeted the free black, did not stop several of Jefferson's peers from manumitting at least certain of their slaves and ensuring that they had a bit of money or land with which to begin an independent life. Jefferson's simple answer to Coles is an inadequate response to the complicated and confusing question that historians have spent two centuries debating: why Jefferson did not do more for his slaves than express concern for them and their plight. On the specific matter of manumission, aside from his reply to Coles, the records of Thomas Jefferson are virtually silent.

In his voluminous writings, nonetheless, Jefferson provided a lot of comment on the issue of slavery and the place of blacks in American society. That he assumed black inferiority is indisputable; his famous Notes on the State of Virginia, written in 1781-82, recorded that he thought blacks' emotional problems and needs to be "merely transient", unlike those of whites, who felt deep

emotion; that blacks exhibited a primitive sexual appetite unleavened with "tender, delicate" sentiments of love and intimacy; and that blacks' intellectual shortcomings were the result not of the slave environment but of their nature.[6] Jefferson's opinions of blacks were not uncommon in his time, yet his reputation and intellectual standing added to their scientific veneer and provided justification to many for the continuation of slavery. The comments in the Notes on blacks as a race, allegedly not made for public consumption but for a readership consisting of only his close friends and some members of the scientific community abroad,[7] reveal that Jefferson could not completely transcend deeply embedded prejudices of his age.

Despite these prejudices, however, Jefferson also expressed compassion for blacks and a moral outrage toward the institution of slavery. He also attempted to limit the expansion of slavery, unsuccessfully at first through the Ordinance of 1784 and later with some success in the Northwest Ordinance of 1787.[8] Though Jefferson's direct contribution to the latter ordinance was negligible, it has been argued that he had created a political atmosphere conducive to such a move, and that he similarly contributed to the decision of the Continental Congress to end the slave trade.[9] Other than rhetoric and oft-expressed wishes, these actions

represent all that Jefferson did to end slavery during his political career.

His oft-expressed wishes usually centered around his desire to see slavery somehow disappear with grace and peace; he wrote that "the spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way, I hope, preparing under the auspices of heaven for a total emancipation, and that this is disposed in the order of events to be with the consent of the masters rather than by their extirpation."[10] In his Notes and some other writings, Jefferson frequently expressed the hope that slavery was on its way out of Southern society, and the fear that if it were not, then the masters would undoubtedly face the wrath of an angry God manifesting himself in a bloody slave insurrection.

Along with his hope that slavery would fade away from the South was a thorough moral disgust with the practice. "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other," he wrote in the Notes.[11] It was ironic, he added, that a society that had just fought a long and valiant war for the cause of liberty could also impose on some people the horror of

slavery, "one hour of which is fraught with more misery than ages of that which [it] rose in rebellion to oppose."[12]

Jefferson frequently wrote of his desire to see the slaves freed. This desire, however, was linked to the perception that freed slaves would need to be removed from the state, and, in fact, the entire nation. Always a proponent of slave colonization, a concept of slave removal that usually involved the forced emigration of freed slaves to an area of Africa where they could start their own nation, Jefferson became more convinced of the need for it as he grew older. He wrote in his Notes that slaves should "be colonized to such place as the circumstances of time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the useful domestic animals, etc. to declare them a free and independent people, and extend to them our alliance and protection."[13] Though Jefferson believed that colonization was necessary to avoid the mixing of races, he also expressed the hope that colonization away from their enslavers would best serve the needs and aspirations of freed slaves as well. During the period when the Notes were written, Jefferson argued for colonization as a corollary to emancipation, but by the time that the Gabriel slave revolt conspiracy had been

unearthed by Virginia officials in 1800, Jefferson felt a greater urgency to colonize all blacks already freed, and, from that point on, he would consistently argue for removal of free blacks, even before a general emancipation, in order to prevent a bloodbath between the two races.[14]

Jefferson's writings provide historians with a wealth of material from which to work, but the underlying ambiguity between his desire to end slavery and his lack of action, or support for action, to realize that desire has provoked great historiographical debate. A review of what has been written on the subject reveals three basic schools of thought on the matter: the early school, which defends Jefferson and finds little contradiction between his words and actions; the second school, which finds Jefferson to have been a self-serving hypocrite unable to transcend the racism of his age; and the third school, which recognizes the contradictions but appreciates the intellectual, moral, and practical difficulties that faced Jefferson. To understand the current state of historiographical opinion on Jefferson and slavery, a brief summary of the three schools is necessary.

The first school comprises pre-1960s historians who generally agree that Jefferson was fully committed to the elimination of slavery. In his multi-volume biography of

Jefferson published in 1945, Claude Bowers neglects the proclamations of black inferiority that Jefferson made in his Notes and instead offers the opinion that "throughout his life [Jefferson] was never to conceal his attitude toward slavery, and he was never to miss an opportunity to attempt the writing of this conviction into law."[15] Bowers depicts Monticello as a benign and gentle home for slaves: "[Jefferson] detested flogging, and gave instructions to his supervisors that, in the case of a consistently obstreperous and ungovernable slave, he should be sold rather than lashed."[16] Bowers misses what seems an obvious point that a slave with family or friends on the plantation might actually prefer a painful lashing to being separated from the people important to him; perhaps it was not benevolence that provoked Jefferon to hold this punishment over his slaves who committed the crime of being "obstreperous". In a fanciful example of the historian's imagination, Bowers suggests that "even as [Jefferson] wrote, he might, from his windows, have seen slaves toiling and many singing about Monticello, all of them devoted to the master who felt for them . . ."[17] Detecting in the Notes a "very conclusively set forth repugnance to the institution of slavery,"[18] Bowers offers only two examples of Jefferson's alleged efforts to write this repugnance into law: Jefferson's introduction of a gradual emancipation bill to the Virginia legislature, and his amendment to

the Ordinance of 1784 banning slavery after a period of time in the territories; moreover, both of those efforts failed.

As simplistic as Bowers's view might seem, it sums up the general opinion of Jefferson on slavery until the 1960s. Dumas Malone, another biographer (his work was published in several volumes beginning in 1948), concludes that Jefferson's "comments on race were those of a scientific mind, softened by humanitarianism,"[19] and argues that because Jefferson was "thinking aloud in the invisible presence of the world's humane philosophers, propounding the gravest of social questions," he could not afford to appear weak or sentimental in his discussions of slavery.[20] But Malone writes that, though Jefferson actively waged a battle against slavery where he could, he believed the war was futile, that the time was simply not right for a move against the institution. Malone attributes Jefferson's pessimism to a lack of liberalism in the late eighteenth century and concludes that "there was little he could do then and there except think about it."[21]

Like Malone, other historians of this school believe that Jefferson's personal opposition to slavery was simply not sufficient to have an impact on the general state of opinion that existed during his lifetime. Most

of the writers offer no explanation for why Jefferson did not manumit his slaves during Virginia's period of liberal manumission, though Charles and Mary Beard do suggest that Jefferson's fear of a dark and violent slave insurrection kept him from working for increased freedom for blacks.[22]

In the 1960s, as the "civil rights movement and the revival of ethnicity . . . spilled over into scholarship,"[23] historians such as Robert McColley, William Cohen, David Davis, and Winthrop Jordan raised provocative doubts about Jefferson that alter the image of him as one who never missed an opportunity to work toward the abolition of slavery. This new school of thought found its first major expression in Robert McColley's book, Slavery and Jeffersonian Virginia (1964).

McColley takes a class-conflict approach to the question of slavery and argues that Jefferson stood firmly on the side of the aristocratic planter class. As evidenced in the Notes on Virginia, "Jefferson and his contemporaries . . . accepted doctrines of racism. Coupled to simple economic interest, these have kept the American Negro in a subordinate position throughout our national history."[24] McColley goes on to depict Jefferson and his republican ideals as rooted in the

institution of slavery, and accuses previous historians of being deliberately evasive when dealing with the issue:

> Reflecting on Jefferson's experience with and attitudes toward slavery [a legion of general historians and biographers] have cited Jefferson's attacks on the institution with commendable thoroughness, but have been much less conscientious both in tracing his provincial views of the character and capacity of the Negro and in acknowledging the degree to which Jeffersonian politics tended to promote and extend the planting interests of the South.[25]

McColley believes that Jefferson's economic self-interest and his innate racism overrode his moral sentiments, and that Jefferson's occasional proposals for emancipation were so gradualist and so linked to colonization that they presented no problems for the planter class. Jefferson's failure to manumit his slaves by will or by deed, even though he spoke in favor of manumission in principle, indicates his ability to place self-interest above moral qualms, according to McColley.

Though McColley's argument is powerful, Winthrop Jordan produced an even more critical and comprehensive examination of Jefferson on slavery. In White over Black (1968) Jordan joined McColley in challenging the image of Jefferson as a fervent opponent and activist against slavery. Jordan depicts Jefferson as a thoroughly

confused man who could not reconcile his revolutionary ideals with his long-held psychological aversion to blacks. Jefferson had grown up in a slave society, Jordan argues, and had been raised and educated in an environment that conditioned whites to view blacks as inferior. Therefore, Jefferson's "confusion at times became monumental," says Jordan; "he believed intellectually that all men were created equal, but he couldn't shake the indoctrination of his upbringing that told him that blacks were inferior to whites."[26] Therefore, according to Jordan, Jefferson was rendered politically and psychologically impotent on the slavery issue, and when he did challenge slavery, it was primarily on the basis of its negative effects upon whites. Jefferson believed that slavery nurtured in whites an unrepublican aversion to work and, more importantly, made them vulnerable to black revolt.[27]

Though Jordan is hard on Jefferson, finding him devoid of any meaningful commitment to antislavery activism, he acknowledges that Jefferson struggled to come to terms with his racism and incorporate blacks into his theory of the natural rights of man. Because of his aversion to blacks, however, his opposition to slavery was sublimated into a concern for the condition of whites who lived daily with slavery. As a consequence, Jefferson's "vigorous antislavery pronouncements . . .

were always redolent more of the library than the field."[28]

In a 1969 article, William Cohen combined the economic approach of McColley with the psychological angle of Jordan to build the theory that Jefferson was in fact a proslavery advocate despite his stated aversion to the institution. Cohen first outlines the obvious problems of consistency for a man who expressed distaste for slavery: Jefferson owned as many as 210 slaves, he bought and sold slaves according to financial pressures, he hunted down and flogged runaways, and he manumitted, upon his death, only a small handful of slaves. He was in short, according to Cohen, a typical wealthy Virginian whose doubts about slavery scarcely affected the day-to-day operations of his plantation; "[Jefferson] believed that one hour of slavery was worse than ages of British oppression, yet he was able to discuss the matter of slave breeding in much the same terms that one would use when speaking of the propagation of dogs and horses," says Cohen.[29]

Many of Jefferson's political actions regarding slavery, often claimed as evidence of his antislavery convictions, were actually proslavery tactics, Cohen argues. For example, Cohen hints that Jefferson might have opposed the slave trade because he realized that if

the trade were cut off, the prices of slaves would rise. Further, Cohen alleges that when Jefferson served on a colonial-era committee reviewing Virginia's slave laws, he recommended harsher punishments for runaways. After the 1780s, Jefferson did nothing to combat slavery, and during and after his presidency, he maintained an "obsessive silence" on the subject. He also refused to endorse or even acknowledge the mildest abolitionist-leaning petition, and his argument that he wished not to excite public passions about the subject is not convincing, says Cohen.[30]

Cohen's indictment of Jefferson was expanded in 1975 by David Brion Davis. Davis echoes previous observations that Jefferson felt a hopeless pessimism about being able to do something about slavery and did not want to endanger his political or social standing by supporting unpopular causes or by stirring up racial discontent. "After his return to America [from France in the 1790s] the most remarkable thing about Jefferson's stand on slavery is his immense silence," says Davis, who suggests that the "truth was that Jefferson had only a theoretical interest in promoting the cause of abolition." Davis wryly notes that "Jefferson did not indicate how he expected to encourage the cause of emancipation without producing irritation."[31]

In 1972 Edmund Morgan advanced a theory that applied Jefferson's own inability to reconcile distaste for slavery with self-interest to the entire agrarian class of Virginia. Morgan proposed that Virginian republicanism relied upon slavery to provide a servile labor force that would allow republicanism to flourish among whites. Republicanism depended upon a community of free, prosperous agrarians, a situation made possible by slavery because the institution eliminated the dangers posed by free, unemployed drifters and eradicated the need to pay regular wages to large numbers of wage earners. "The rights of Englishmen were preserved by destroying the rights of Africans," argues Morgan,[32] concluding that Jefferson's clash of self-interest with abhorrence of slavery was also Virginia's.

The harsh accusations of hypocrisy from the new historians led others to rush to Jefferson's defense once more. These historians did not want to see Jefferson's reputation tarnished through a narrow focus that ignored the larger part of Jefferson's achievements. So a third school of thought appeared in the 1970s, one that attempted to explain Jefferson's actions without ignoring the unpleasant aspects of them.

William Freehling perhaps best represents this third camp. In 1972, Freehling attempted to vindicate, or at

least to assess without censure, Jefferson's words and actions on slavery. In introducing his subject, Freehling denounces both previous schools; the first he shuns by declaring those historians who found "no need to defend the Founding Fathers on slavery" as living in "a historical age now grown as arcadian as Thomas Jefferson himself,"[33] and the second school he finds composed largely of historians "driven by a New Leftist contempt for reformers who repudiate radicalism and a modern-day repugnance for liberals contaminated by racism."[34] Freehling asserts that Jefferson's record clearly shows that he and his revolutionary peers consciously began a process that was to end in the eradication of slavery, even if the process did not occur at the speed at which the New Leftists thought it should have.

Freehling identifies three programs, in each of which Jefferson played a part, that began this process. First, the Founding Fathers, led by Thomas Jefferson, attacked slavery in the North, where it was weakest. Then they gave the national government the power to end the importation of slaves after twenty years, a move supported by Jefferson and by Madison at the Continental Congress. Third, the Fathers established through the land ordinances of 1784 and 1787 the principle of limiting the expansion of slavery. Through this process, Freehling claims, "Thomas Jefferson consciously reduced

slavery from a national institution to a crippled, restricted, peculiar institution."[35] This transformation of slavery eventually led in directions unpredicted by Jefferson and his allies, who always hoped for a nonviolent emancipation that would achieve through gradualism what others thought only bloodshed and social upheaval could bring about.

John Miller joins Freehling in defending Jefferson without apologizing for him. In The Wolf by the Ears (1977), Miller freely admits that Jefferson did display obvious racism in his attitudes and profound ambiguity in his actions. But he also worked hard to achieve concrete reforms in slavery and to create an atmosphere where the question could be discussed and perhaps resolved. Jefferson's political hesitancy was not only the result of ambiguous attitudes, but rather stemmed primarily from the astute politician's "fear of an ineffaceable unpopularity that would preclude him from accomplishing any constructive purpose whatever."[36] This is a powerful argument, and one that this thesis will consider. Yet even if it were true that Jefferson would have faced political destruction had he moved against slavery before or during his presidency, that does not explain his silence in his post-presidency, elder statesman years.

A third member of this last school is Fawn Brodie,

who in 1974 published a biography of Jefferson that depicted him as a flawed hero in a real-life Greek tragedy. Jefferson's commitment to abolition was rendered impotent by what she calls his "psychosexual dilemma," which mirrored the racial dilemma facing the nation as a whole.[37] Brodie maintains that Jefferson's racial attitudes were forged in the crucible of his mixed-race love affair with his own slave, Sally Hemings. Through this relationship, Jefferson's moral and philosophical ideas were subsumed by a racial-sexual power mentality that overtook his intellect. From his childhood years, when he "developed a feeling he was never able wholly to escape, that blacks and whites must be kept carefully separate,"[38] to his adult affair with Hemings, Jefferson was kept from acting upon his antislavery impulses by a complex psyche that derived fulfillment from linked sexual and racial power structures that placed him firmly in control. While Brodie's thesis relies more upon psychological speculation than upon concrete evidence, it does offer another type of explanation for Jefferson's failure to meet the antislavery criteria of his critics. Jefferson could no more be blamed for his ambivalence and hesistancy than Shakespeare's Lear could be blamed for his distrust of loved ones; we are hardly responsible for our psychological makeups, Brodie implies.

From this brief historiographical review it is clear that no consensus exists on Thomas Jefferson's true convictions about the evil of slavery. It must also be said that nowhere in this large literature is a thorough discussion of the manumission period in Virginia and what it may reveal about Jeffersonian-era attitudes toward slavery. Virtually all historians of the Jeffersonian age downplay the significance of Virginia's experiment with liberalized manumission, if they mention it at all. Any consideration of manumission is usually a narrative sidebar to a larger treatment of thoughts about and attitudes toward general emancipation movements.[39]

In this paper, Virginia's twenty-four-year "age of manumission" will be examined and its implications for the Jeffersonian dilemma explored. The manumission experiment in Jeffersonian Virginia is examined in this thesis in three ways over the next three chapters: by reviewing the changing legislative and legal status of the practice during the years 1782-1806; by summarizing public attitudes for and against manumission and how those attitudes changed during the same period; and by examining how widespread concern over the social effects of manumission led to severe restrictions of the practice. The fifth chapter is a consideration of the part played by the manumission experiment in the resolution of Virginia's moral ambivalence toward

slavery, an ambivalence personified in the anguish of Thomas Jefferson as he struggled with the paradox that plagued him, his state, and his nation.

ENDNOTES TO CHAPTER ONE

1. Edmund S. Morgan, "Slavery and Freedom: The American Paradox," Journal of American History 59 (January 1972):5.

2. Merrill D. Peterson, The Jefferson Image in the American Mind (New York: Oxford University Press, 1960), p. 164.

3. Ibid., p. 172.

4. Leonard Levy, Jefferson and Civil Liberties: The Darker Side (Cambridge: Cambridge University Press, 1963), p. 9.

5. Jefferson to Edward Coles, 25 August 1814, in Henry Randall, Life of Thomas Jefferson, (Freeport, N.Y.: Books For Libraries Press, 1857), 3:643, quoted in John Henderson Russell, The Free Negro in Virginia 1619-1865 (Baltimore: Johns Hopkins University, 1913), p. 55.

6. Thomas Jefferson, Notes on the State of Virginia, in The Writings of Thomas Jefferson, Albert Bergh, ed. (Washington: The Thomas Jefferson Memorial Association, 1903), 2:194.

7. Matthew T. Mellon, Early American Views on Negro Slavery, From the Letters and Papers of the Founders of the Republic, (New York: Bergman Publishers, 1934), p. 103.

8. William Freehling, "The Founding Fathers and Slavery," American Historical Review 77 (January 1972):80.

9. Matthew Mellon and William Freehling, among others, make this argument.

10. Jefferson, Notes on Virginia, Bergh, ed., 2:227.

11. Ibid., pp. 225-226.

12. Ibid., p. 226.

13. Ibid., p. 191.

14. Robert McColley, Slavery and Jeffersonian Virginia (Urbana, Illinois: University of Illinois Press, 1964), pp. 129-130.

15. Claude Bowers, The Young Jefferson (Boston: Houghton

Mifflin Company 1945; reprint ed., 1969), p. 179.

16. Ibid., p. 175.

17. Ibid., p. 299.

18. Ibid., p. 298.

19. Dumas Malone, Jefferson and His Time, vol. 1: Jefferson the Virginian (Boston: Little, Brown and Company, 1948), p. 267.

20. Ibid., p. 266.

21. Ibid., p. 268.

22. Charles and Mary Beard, The Rise of American Civilization, vol. 1: The Agricultural Era (New York: MacMillan Company 1927; reprint ed., 1947), p. 652.

23. Oscar Handlin, Truth in History (Cambridge: Belknap Press, 1979), pp. 390-391.

24. McColley, Slavery and Virginia, p. 4.

25. Ibid., p. 131.

26. Winthrop Jordan, White Over Black: American Attitudes Toward the Negro, 1550-1812 (Chapel Hill: University of North Carolina Press, 1968), p. 453.

27. Ibid., p. 454.

28. Ibid., p. 432.

29. William Cohen, "Thomas Jefferson and the Problem of Slavery," Journal of American History 56 (July 1969): p. 525.

30. Ibid., p. 508.

31. David Brion Davis, The Problem of Slavery in the Age of Revolution, 1770-1823 (Ithaca: Cornell University Press, 1975), pp. 177-178.

32. Morgan, "Slavery and Freedom," p. 24.

33. Freehling, "Founding Fathers and Slavery," p. 81.

34. Ibid.

35. Ibid., p. 91.

36. John C. Miller, The Wolf by the Ears: Thomas

Jefferson and Slavery (Scarborough: New American Library of Canada Ltd., 1977), p. 132.

37. Fawn M. Brodie, Thomas Jefferson: An Intimate History (New York: W.W. Norton Company Inc., 1974), p. 50.

38. Ibid.

39. A few historians have discussed and debated certain aspects of the manumission experiment, such as the numbers of slaves manumitted and laws passed subsequent to 1782 that restricted the movement and activities of blacks freed by manumission. Only two historians I looked at considered the manumission experiment in the larger context of the fate of slavery in Virginia: Theodore S. Babcock, "Manumission in Virginia: (M.A. thesis, University of Virginia, 1974); and Alison Goodyear Freehling, Drift Toward Dissolution: The Virginia Slavery Debate of 1831-1832 (Baton Rouge: Louisiana State University Press, 1982).

CHAPTER 2. THE LEGAL HISTORY OF MANUMISSION IN VIRGINIA, 1782-1806

From the time that Virginia's manumission law was passed in 1782 until it was as good as repealed in 1806, the Virginia House of Delegates was deluged with opinions on the matter, opinions expressed in the form of members' comments and petitions from concerned citizens. This chapter reviews the legal battles that were waged over manumission and summarizes how the battles were played out over the shifting ground of public opinion. Thomas Jefferson was not a central figure in the political storm over manumission, but his words could be heard echoed in the voices of those that fought for liberalized manumission; equally loud, however, were the voices of those opposed to manumission.

From 1723 until 1782, private manumissions--that is, those undertaken by individual slaveholders--were illegal except by special permission of the governor. Only after specific legislation addressing the matter was passed by the Virginian legislature in 1782 was private manumission permitted. The fact that a private citizen was forbidden by law from freeing his slaves if he so chose did not seem to bother most colonial Virginians. In many cases where a master desired freedom for a particular slave, permission to manumit was granted by the colonial governor. Gubernatorial manumissions were granted

regularly, though only for very specific reasons. Meritorious service of some sort, such as saving the life of a master or serving in the Revolutionary war, was the usual reason for freedom, though special circumstances such as a slave discovering a putative cure for illness also occasionally resulted in a governor-sanctioned manumission.[1] Often, slaves were manumitted in the wills of their masters, though any such wish of a slaveholder-departed required the approval of the governor.

Private manumissions by will or deed were at last allowed by the Virginia legislature beginning in 1782. Evidence of what provoked the passage of the 1782 legislation is not clear. Earlier attempts to legalize private manumissions had been made but failed to win support in the House of Burgesses; a young Thomas Jefferson made an attempt in 1769 to gain "permission for the emancipation of slaves, which was rejected."[2] In his autobiography, Jefferson blamed that failure on the British authorities, asserting that "during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits, by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government."[3] In recalling the same event in 1814, Jefferson observed that because he had been a younger member of the house at the time, he had been spared his colleagues' wrath. But, he

lamented, his cosponsor, Colonel Bard, had been "denounced as an enemy to his country and was treated with the greatest indecorum."[4] Another proposal for private manumission was narrowly rejected in 1781, before circumstances came together with ideological concerns to allow passage of such a proposal.

The most thorough study of the 1782 legislation has been made by James Ballagh, who attributes the law to political necessity rather than ideological fervor. Though Ballagh and subsequent historians acknowledge that records of the legislative debates over the 1782 law are sparse, Ballagh surmises that in the absence of a governor in the confused wake of the Revolutionary War, the legislature of Virginia had no recourse but to allow manumissions made by private citizens to stand unchallenged.[5]

Such a conclusion implies that there was a waiting list of manumissions needing gubernatorial assent. Judicial records show several wills written before 1782 that allowed for slave manumission, though many of those wills added the condition that manumissions be completed only when the laws of Virginia would allow it. The will of John Pleasants, dated 1771, noted its author's desire to free his slaves: "And whenever the laws of the country will admit absolute freedom to them, it is my will and

desire that all the slaves I am now possessed of, together with their increase, shall immediately on their coming to the age of 30 years as aforesaid become free."[6] The will of Charles Moorman, written in 1778, contained similar requests, with the proviso that his slaves should be set free "if ever hereafter it should be lawful for them so to do". Moorman added, "In case the laws of the land will not admit of such freedom, that then the last mentioned slaves and their increases be equally divided among my other legatees."[7]

Some wills even went so far as to petition the government to enact legislation enabling private manumission. Joseph Mayo, owner of 175 slaves, included in his will "a most earnest request that the executors petition the General Assembly for leave to set free" all his slaves.[8] Mayo's will, written in 1780, demonstrates that some Virginians were eager to see manumission allowed, and Quaker records quoted by Babcock indicate that others went beyond Mayo, Moorman, and Pleasants and, ignoring the restrictions upon their ability to manumit, simply set their slaves free.[9]

John Russell argues that in addition to the antislavery sentiment behind the 1782 law, the Revolutionary spirit of individual freedom was also applied by slaveholders to themselves: "persons of this

class were as much opposed to hampering the property rights of the master by denying to him the right to dispose of slaves at will as they were to compelling him to relinquish his title to slaves."[10] According to Russell, restrictions upon manumission were perceived as equally undemocratic to Virginians as were proposals to force emancipation.

As well, many political leaders viewed manumission as a release valve that would relieve emancipationist sentiment coming from whites while sating the feared rebellious desires of the slaves.[11] Many Virginians also saw the law as a first cautious step in eradicating slavery; clearly, some argue, liberal thinkers thought that voluntary manumission would catch on until slavery was gradually eliminated without enforced emancipation.[12] Volunteer manumission would control the pace of free-black population growth, thus alleviating the threat of a suddenly enlarged free black populace, and the economy, based on slave labor, would suffer no sudden collapse.

James Madison apparently viewed the private manumission law as a compromise likely to quiet both extremes of the slavery debate. In responding to a Quaker's request for a general emancipation law, Madison wrote that such a proposal would "produce successful

attempts to withdraw the privilege now allowed to individuals, of giving freedom to slaves. It would at least be likely to clog it with a condition that the persons freed should be removed from the Country; there being arguments of great force for such a regulation, and some would concur in it who in general disapprove of the institution of slavery."[13] (Madison's insight proved prescient; the Revolutionary era of manumission ended in 1806 when Virginia passed a law demanding that all manumitted blacks be removed from the state.) Because he saw it as a workable compromise, Madison consistently defended the manumission law, consistently voting against repeated motions to repeal it during the 1780s and 1790s.[14] Most Virginian legislators followed Madison's cue and stood firm in their commitment to the manumission law, despite many voices of opposition both from within the legislature and from without.

The law itself was succinct and clear:

> It shall be lawful for any person by his or her last will and testament, or by any other instrument in writing, under his or her hand and seal, attested and proved in the county or corporation court by two witnesses, and acknowledged by the party in the court where he or she resides, to emancipate and set free his or her slaves, or any of them, who shall thereupon be entirely and fully discharged from the performance of any contract entered into during servitude.[15]

The law went on to insist that any slave thus freed must be provided with " a copy of the instrument of emancipation", which was a piece of paper attesting to the black's free status. Any black found without such an "instrument" could be arrested and jailed until he produced appropriate documentation and jailor fees were paid. This condition upon freedom produced no end of hardship for free blacks, and subsequent restrictions upon the movement of manumitted slaves made their problems even more severe.

Assurances that the free black population would not grow too quickly or become an uncontrollable social problem seemed to quell most public concern over the right to manumit privately. Babcock notes that 52% of the members who composed the House of Delegates that passed the manumission law were returned to the next session by voters, a figure that exceeds the 36% calculated to be the number returned in the previous election.[16] While many factors could explain the electoral success of the 1782 House, the figure at least suggests that support for voluntary manumission did not spell political doom.

Many Virginians probably initially felt comfortable with the manumission law because existing laws concerning the activities and movement of free blacks were still

harsh enough to restrict the blacks and even to convince them to move out of the state. Free blacks were barred from joining white churches in Virginia, and were restricted in their opportunities to build and operate their own churches.[17] They were denied the right to trial by jury, and the usual punishment for the slightest of crimes was a return to slave status. They were prevented from holding many types of jobs that they might even have excelled at while enslaved, and were required to procure expensive licences and permits for other jobs and to sell agricultural produce. Finally, they were subject to excessive "special" taxes on income they were able to earn.[18]

In the twenty years following the 1782 law, further legal restrictions were placed upon free blacks. Beginning in 1793, no free blacks were allowed to enter Virginia from another state, and, five years later, a law was passed calling for automatic deportation of any free black who lent or gave his manumission documentation to a runaway slave, or any other person for that matter.[19] Further, because of an alleged increase in the number of forged and counterfeit documents of manumission, vagrant blacks unable to prove the legitimacy of their free status were allowed to be deported or returned to slavery.[20] This caused many problems for free blacks, for whom vagrancy usually meant removal from the county

and state, and whose rights to freedom had usually been granted by will from men long dead and unable to attest to a black person's true legal standing.

The tightening of the legal shackles upon blacks freed from the shackles of slavery indicates that Virginians became distrustful of the manumission concept once they had had a chance to observe its effects. Soon after the passage of the 1782 law, concerted campaigns against manumission began and it became clear that not all Virginians shared the legislature's support for the right to free slaves. Many anti-manumission activists feared two principal results from moves toward liberalized manumission, both of them bad: that despite restrictions upon free blacks, their numbers would grow to be uncontrollable and they would be uniformly working toward organizing their enslaved brothers in rebellion; and that the manumission program would inexorably result in legalized, enforced general emancipation. Increased rumblings of incipient slave rebellion and the well-publicized, diligent emancipation campaigns of Quakers and others, added urgency to the campaigns of the anti-manumission leaders.

In the legal arena, the primary method of expressing discontent with standing legislation was to petition the House, and between 1782 and 1805 the Virginia legislature

was inundated with petitions urging it to reconsider its manumission laws. In a 1785 letter to George Washington, James Madison remarked that there were "several petitions against any step towards freeing the slaves, and even praying for a repeal of the law which licences particular manumissions."[21] Though emancipationist petitions were also tabled, they were almost always dismissed without debate because the House felt it had done enough for blacks by permitting private manumissions; the anti-manumission petitions, on the other hand, often resulted in heated debates that in fact eventually wore down the defenders of manumission and resulted in the law of 1806 that virtually ended unrestricted private manumission.

The proliferation of such petitions in the years following 1782 had a cumulative effect upon the Virginian government. A 1784 vote in the House of Delegates on a motion to repeal the 1782 law showed that only 30% of the House supported the motion;[22] by 1806, an almost identical motion was defeated by only two votes, and related legislation virtually strangling manumission anyway was passed. In between those years, many proposals to limit or eliminate manumission resulted from petition campaigns, and the debates became increasingly intense, and support for manumission increasingly faint, as time wore on.

Records from a debate on such a motion made in 1805 demonstrate how the terms of the discussion had changed from the liberal times of 1782. Proponents of a motion to abolish absolutely the right to manumit by will or deed argued that in fact, "It is not the natural right of individuals to dispose of his [sic] property in every case. . . . It is a moral maxim that no man can appropriate his property to any purposes which may injure the interest of others. . . . Whoever emancipates a slave may be inflicting the deadliest injury upon his neighbor. He may be furnishing some active chieftains of a formidable conspiracy."[23] Another debater asked: "What should we say of a man who having his mortal foe bound at his feet sets him at liberty and plants a stiletto in his hand?", while the question of family betrayal was also raised: "What respect is due to the conscience of that man who, after having made all the use he could of his slaves does not hesitate to deprive his wife and children of their labor?"[24]

The motion that provoked that debate was narrowly defeated, and it was clear that the defenders of manumission were weakening. But nonetheless, over the twenty-three years between 1782 and that debate, the governments and courts of Virginia had remained true to their word and had protected manumitted slaves in their

right to be free. Several cases are recorded of next-of-kin suing for ownership of slaves freed in wills, and, in almost every instance, the legitimacy of the will and the free status of the manumitted slave were upheld.

In the Virginia Supreme Court case Charles v. Hunnicutt (1804), the manumitted slave Charles sued for his freedom from the son of his deceased owner. Charles had fallen into the custody of the late owner's son, who argued that because his father's will had been written before the manumission law was passed, his father's slaves belonged to him. The court disagreed, stating that: "Devises in favour of charities, and particularly those in favour of liberty, ought to be liberaly expounded."[25] In upholding Charles's right to freedom, the court also legitimized manumissions made in anticipation of the 1782 law:

> It is fair to infer, that the testator meant that the deed of manumission should not take place, until an act of assembly, to authorize it, should pass; for he knew, that the existing law forbid it, and that his society [the Quakers] had been anxiously endeavouring to procure an enabling statute, for that purpose, from the legislature; which it was generally believed would shortly be obtained. This puts an end to the objection founded upon the distinction between a present devise, and one with a future aspect.[26]

Like the courts, the House of Delegates stood by its

law despite the barrage of criticism directed at it. Madison perhaps spoke for many defenders of manumission when in a letter to a relative he wrote of his reasons for sticking by the manumission law: "this retrograde step [of ending manumission] will not only dishonor us extremely but hasten the event [general emancipation] which is dreaded."[27] Obviously, manumission was not only a Revolutionary ideal but also a means to quiet emancipation campaigns.

Despite many objections, therefore, the Virginia government upheld the right of private manumissions, and many Virginians took advantage of that right. Estimates of the number of slaves freed between 1782 and 1806 vary wildly, from Ballagh's 1902 estimate of 1,000 annually[28] to Babcock's more cautious estimate of 15,000 in total, 5.5% of all slaves and just over half of Ballagh's total.[29] Differences among historians' views of this "golden age of liberalism" (as McColley sarcastically refers to the period)[30] do not seem to rest on significant discrepancies on the number of slaves freed. Babcock sees little to cheer about: "The manumission rate was never great enough to threaten the existence of slavery nor was it massive enough to validate the theory that 'revolutionary ideals' spurred men to manumit their slaves in large numbers."[31] Similarly, McColley says that "the liberalism of Virginia during this [period]

proves to have been rather limited. Freedom was, in practice, the birthright of white men only."[32]

On the other hand, Russell wrote in 1913 that manumission was "popular in Virginia" during this same period, and that manumission proceeded at a rapid pace.[33] Writing much more recently, Alison Goodyear Freehling supports Russell's positive view: "Imbued with ideals of freedom, Virginia slaveholders responded to the revised manumission policy with the most widespread emancipation of slaves in the state's antebellum period."[34] Though Freehling concludes that about 18,000 slaves were manumitted in this period, a figure only slightly higher than Babcock's, she speaks of a "high-tide of private manumissions" and a "burgeoned free black population."[35] Her language implies that the manumission period really was a golden age. Just as the manumission law itself was controversial during its day, its impact remains a source of historiographical debate.

Regardless of historians' opinions on the subject, many Virginians of the time considered the rise in the free black population to be unacceptable, and contemporary expressions of sentiment from the period almost unanimously condemn the presence and activity of free blacks among whites. Manumitted blacks were frequently abused by white citizens, even and especially

by government authorities, who showed little sympathy or trust toward blacks claiming free status. Problems of providing documented proof of freedom, and of establishing the validity of that documentation, left many free blacks open to arrest and deportation or renewed slavery status.

In the manumission period, there was also a huge increase in the number of newspaper advertisements placed by local authorities claiming to have under arrest slaves falsely posing as free blacks. The nature and number of these advertisements demonstrate how the law requiring free blacks to possess documentation of status hampered a freed slave's opportunities and threw his or her credibility into question. The documentation itself needed no governmental seal or signature, and could therefore be a personal letter from the master addressed to "Whom It May Concern" or a brief note from a court official announcing that the bearer had been freed by will. Often, a slaveholder freeing a slave would neglect to obtain witnesses who would sign the document of manumission, an oversight that would cause the freed person many problems down the road. And, as many whites would in fact argue, even duly witnessed proclamations of manumission were so brief and perfunctory that they could be easily copied, forged, or otherwise counterfeited.

A typical, court-witnessed emancipation document could be very brisk indeed:

> I hereby certify that a negro man named Peter Peters formerly the property of Clark Ferrell Mooriman was emancipated set free according to law, at a court held for the said county on Thursday, the 14th day of November, 1782.[36]

This document was signed by a justice of the peace and represented its bearer's sole claim to freedom.

Documents that helped their holders a little more were those that described the freed slave and his or her dependents; such descriptions would enable the black to prove that the papers in fact belonged to him. But other forms of documentation were even more problematic than the briefest of letters received from a master himself, as the letter below from the justice of the peace of Rockingham Country demonstrates:

> This day Burton Thornhill came before me, a Justice of the Peace, and made oath that Gemima, a Woman of Colour now before me, he knows was Imancipated by William Ball of the County of Culpepper, and that since her Imancipation she has had Several Children to Witt, Freeborn . . . he further states that after Mr. Ball imancipated them, he tryed in the Court of Culpepper to take them again into slavery, but failed in his attempt.[37]

Obviously the woman in this case did not possess original documentation and had to rely on the word of a third

party to prove her free status. Because Virginia's laws did not allow blacks to testify in court, it can be inferred that Burton Thornhill was a white man, and that the black woman's hopes rested on his testimony rather than information she could provide about herself.

Problems such as these were augmented by the fact that many counties required that all free blacks be registered with their home counties; the Louisa Country Register, for example, demanded that every free black be listed along with his birthdate, description, date of emancipation, previous owner, and reason for manumission.[38] While such a record could presumably help a free black prove his status if he was in fact registered, the failure of many owners to register blacks they were manumitting, and many blacks' ignorance of the requirement, meant that quite often a free black would be arrested, found not to be on a county register, and subsequently accused of falsely claiming freedom.

Proper documentation and registration were frequently not enough to convince whites that blacks claiming free status were sincere. An examination of Virginia newspapers in the period 1782-1806 reveals a sharp increase in the number of free blacks arrested on charges of lying about their status. Whether with documents or without, blacks were seemingly infrequently

believed when proclaiming that they had been duly and properly manumitted.

The following advertisement from the Richmond Examiner provides evidence of how vagrant blacks were mistrusted:

> Committed to the jail of Fluvanna County, on the 17th of November last, a Negro Man who calls himself John Butler, supposed to be a runaway, aged about 36 years, about 5 feet 6 inches high, stout made, has some form of the smallpox, of a yellowish complexion, his left thumb stiff and backwards. Also: at the same time, a Negro Woman who calls herself Sara Butler, about 5 feet high, about 26 years of age, has a scar over her right eye, and pitted with the smallpox. The above mentioned negroes say they were emancipated by Jeremiah Chase. The owner or owners if any, are desired to prove their property, pay the charges, and take them away, or they will be dealt with as the law directs.[39]

This advertisement ran regularly for two months in 1803, suggesting that no claim was ever made on the two blacks. Other advertisements, placed by owners of runaways, said that the missing slaves were likely either in possession of forged manumission papers or posing as free blacks. The regular appearance of such advertisements suggests that many blacks, especially those residing in counties far from their original homes, had their status questioned often.

Some historians claim that fraudulent use of

manumission papers was fairly widespread, or at least frequent enough to persuade Virginians to reconsider their state's legal position on manumission. Russell declares bluntly that forged manumission papers became "cloaks behind which runaway slaves escaped detection."[40] He adds that there were profits to be made by whites who produced fake manumission papers and sold them to runaways. It is equally likely that whites opposed to slavery and sympathetic to runaways seeking escape could have provided fake papers to assist them. Whether or not such abuse of manumission documents was prevalent, contemporary perceptions of widespread fraudulence were a major factor in having the manumission law so restricted that manumission became a practical impossibility.

As noted earlier, there had been unrelenting pressure upon the legislators of Virginia to repeal the state's manumission law. Though the 1782 law withstood such attacks for many years, other laws affecting manumission were passed in deference to political pressures. In 1793, free blacks from other states were barred from entering Virginia, and Virginian free blacks who left were not allowed to return.[41] In 1798, free blacks convicted of conspiring to aid a slave insurrection were to "suffer death without benefit of clergy,"[42] while, because of presumed bias, "members of societies instituted for emancipating slaves" were

disqualified as jurors in suits for blacks' freedom.[43]

The perceived mounting problem of free blacks was apparently making the idea of removal of blacks, by colonization or simple expulsion, a very attractive alternative to the buildup of free blacks within the state. Colonization had always been proposed by Jefferson and others as a method of avoiding the social problems that would result from blacks and whites mingling as equals following any emancipation program. But the very real presence of a growing and potentially dangerous free black population produced a renewed, more desperate call for immediate transfer of free blacks out of the state.

Following the Gabriel conspiracy of 1800, the legislature demanded that Governor Monroe "correspond with the president of the United States on the subject of purchasing lands without the limits of the United States wither persons obnoxious to the laws or dangerous to the peace of society be removed."[44] The idea of removal of free blacks became the key to most emancipation proposals and solutions to the free black population dilemma. It was the concept of removal that shaped the 1806 law that spelled the end of the manumission era.

The 1806 law represents a compromise between those

who sought the repeal of the manumission law and those who thought restrictions upon manumission violated the freedoms of the slaveholder. The government chose not to ban manumission outright, but rather to make it so uncomfortable for owner and slave alike that it became an undesirable option.

The law of 1806 read as follows:

> That if any slave hereafter emancipated shall remain within this commonwealth more than twelve months after his or her right to freedom shall have accrued, he or she shall forfeit all such right, and may be apprehended and sold by the overseers of the poor of any county in which he or she shall be found.[45]

This law reflected not only the growing concern with the free black population, but also the increased popularity of removal as a solution. Though the law demanded simple exile for free blacks, it tied in with the colonization ideas appended to emancipation proposals by Jefferson and others. Noticeably, it offered no place for blacks to go outside of Virginia, nor means of getting there. This was no minor problem for blacks; virtually all Southern states and many northern states as well banned the migration of free blacks into their borders, and so free Virginian blacks had to move, but had almost nowhere to go.

Because of the obvious hardships facing free blacks and the owners who wanted to free slaves caused by this law, and also because of the growing fear and anti-black sentiment that provoked it, 1806 marked the end of the manumission experiment in Virginia. All historians agree that manumissions dropped sharply in Virginia after 1806; by the 1820s, hardly any manumissions were occurring. It was not only the 1806 law that led to the sharp decline in manumission, however; the revolutionary cries for liberty were growing faint by the first decade of the new century, and they were being replaced by cries of fear from whites who lived waiting for slave revolts. These hardened attitudes determined how free blacks and slaves were to be treated in Virginia from then on. Legislative battles fought over the right to free slaves privately were the result of a conflict of values and priorities among Virginians, and shifts in those values and priorities that occurred in the last two decades of the eighteenth century. To appreciate how the statutes represented the variety of opinions in Virginia, and how the Jeffersonian dilemma manifested itself in the manumission era, expressions of thought on manumission and the opinions that ended the practice must be further examined.

ENDNOTES TO CHAPTER TWO

1. John Henderson Russell, The Free Negro in Virginia 1619-1865, (Baltimore: John Hopkins University, 1913), p. 120.

2. Thomas Jefferson, Autobiography, in The Writings of Thomas Jefferson, Albert Bergh, ed. (Washington, The Thomas Jefferson Memorial Association, 1903), 1:4.

3. Ibid.

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CHAPTER 3. ATTITUDES TOWARD SLAVE MANUMISSION

In Virginia in the 1780s there was a great deal of expressed support for the concept of abolitionism. Revolutionary ideology played a large role in creating a more liberal social climate in Virginia, as talk of freedom and the rights of man convinced many Virginians that such concepts must also extend to its enslaved population. In fact, the years immediately following the Revolution saw the most focused expressions of antislavery sentiment that Virginia would witness. Thomas Jefferson was not the only Virginian leader to write voluminously about the moral bankruptcy of slavery. In the late eighteenth century, virtually no one had much to say about slavery as a "positive good", as writers a half-century later would label it. Religious groups, particularly Quakers, tirelessly used the words of Jefferson and other thinkers of the Revolution as weapons in their assault on slavery. Leading opinion-makers decried the evils of slavery, using the language and thought of revolutionary ideology to question the moral correctness of human bondage. Acts of manumission were similarly cloaked in ideological outrage, and for many Virginians manumission became a tool for expression of moral concern for blacks.

Besides ideological zeal, however, there were more

practical reasons for slaveholders to favor liberalized manumission laws. Freeing slaves could in certain situations alleviate financial pressures or unburden an owner of a troublesome, unhealthy, or otherwise unproductive slave.[1] Whatever the reasons, manumission found favor for a brief moment at least. This chapter examines attitudes toward manumission in Jeffersonian Virginia and the role manumission played in the emancipation debate in the state during the period of liberalized manumission. As will be seen, the concept of manumission was perhaps better accepted than the reality of it; Virginians might have supported the idea of freeing blacks, but they did not approve of the large population of free blacks that would develop if the idea were put into practice on a large scale.

In Virginia, as in other parts of the new nation, religious societies were the first and most vocal opponents of slavery. When American Methodists met in Baltimore in December 1784 to form the Methodist Episcopal Church, one of their first acts was to pass a rule ordering all members to free their slaves within one year or face excommunication. Members were to record the names and ages of each of their slaves, detail the date and manner of his or her release, and turn in the record to their local church official.[2] When Virginia's Methodist leaders took this message back to their home

congregations, however, they reported that they were met with resentment and animosity. Dr. Coke, a Methodist minister in Virginia, wrote that one member of his church offered an angry group of church people the sum of fifty pounds to "give that little Doctor one hundred lashes,"[3] and other ministers alleged that they were met by "enraged congregations brandishing staves and clubs."[4] Obviously, the order to manumit did not sit well with all good Methodists.

The Quakers of Virginia also acted upon their antislavery convictions. Many of those Virginians who had manumitted slaves in their wills before it was legal were Quakers, and such action was encouraged by the Quaker community. Like their more secular counterparts, Quakers stressed the moral importance of granting blacks the rights promised to all men in the Revolution. A 1785 Quaker petition to the Virginia legislature demonstrated this line of argument:

> That your petitioners are clearly and fully persuaded that liberty is the Birth Right of Mankind, the right of every rational Creature without exception, who has not forfeited that right to the laws of his Country. That the Body of Negroes in this state have been robbed and ought in Justice to have their right restored. That the Glorious and ever Honorable Revolution can be Justified on no other principles, but what to plead with greater force for the Emancipation of our slaves.[5]

As a member of the House of Delegates when this petition was presented, James Madison privately cautioned the Quakers to avoid upsetting the delicate political balance that had seen the private manumission law passed four years previously.[6] But Madison's caution was too late; organized reaction to the Quaker demands coalesced and the political battle to preserve manumission rights was on.

As Governor of Virginia for much of the time that this manumission debate raged, Madison viewed the entire matter with his customary caution.[7] In a recent study of Madison's republican philosophy, Drew McCoy concludes that Madison's reluctance to take a more vocal stand on the matter was a consequence of his belief that the new American system would, of its own accord and in due time, lead to the elimination of slavery, and that to rush the process would both upset the course of the new nation's development and also prove counterproductive. As well, McCoy says, Madison was well aware of anti-emancipation sentiment in his state and also worried about the derisive comment from Europe that he thought would be directed at Virginia were its peculiar institution to become a cause célèbre in the U.S. Madison much preferred to remain quiet on the matter, to keep the debate reasoned and low key, and let the wheels of progress grind.[8]

When Madison spoke out-of-state on Virginia's behalf, he kept his antislavery opinions to himself and in fact defended Virginia's right to make its own decisions on the subject. During the 1787 constitutional debates, Madison proposed the following provision, a harbinger of the states' rights debate to come:

> That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein, which humanity and true policy may require.[9]

While this proposed clause could presumably have been used to protect a state that supported abolition from federal interference, its primary purpose seems to have been to prevent northern emancipationist sentiment from coercing Virginia or other slave states.

In much of the antislavery writing, manumission was often discussed, but, though support for the concept was strong and rooted in revolutionary ideology, manumission was not always considered a permanent solution to slavery, even among gradual emancipationists. To the contrary, widespread manumission was perceived by many as a potential social problem; it might end slavery gradually, but it would not eliminate the social disruption that a large and likely bitter free black

population would unleash. Only the Quakers, along with some members of the Baptist and Methodist churches, seemed unconcerned about the social impact of a large free black population.

In his often-cited essay of 1796, "A Dissertation on Slavery: With a Proposal for the Gradual Abolition of it in the State of Virginia," St. George Tucker used revolutionary rhetoric to argue for the end of slavery. Speaking of the "incompatibility of a state of slavery with the principles of our government," he said that "every man who hath a spark of patriotic fire in his bosom must wish to see [slavery] removed from his own country."[10] Tucker agreed with Jefferson that the British were largely to blame for the spread of slavery throughout the South and wrote that British continuance of the slave trade was "object sufficient of itself to justify a revolution."[11] He also invoked the Bill of Rights and the Declaration of Independence as the basis for his antislavery beliefs.

Tucker applauded the Manumission Act of 1782 and expressed delight with what he perceived to be the high incidence of manumission; he estimated that 10,000 slaves had been freed in the fourteen years between the passing of the law and the time of his writing.[12] But though his own scheme for general emancipation involved a staged

gradualism that would take one hundred years to complete, he criticized manumission as a method for emancipation partly because it would take too long for the process to be completed.[13]

His main objection to manumission, however, was based on two aspects that were commonly cited as barriers to emancipation through manumission. First, he worried about the welfare of free blacks in a society in which their brothers and sisters were enslaved and in which they were reviled and distrusted. "We have seen that [manumission] does not confer the rights of citizenship on the person emancipated; on the contrary, both he and his posterity . . . must always labour under many civil incapacities."[14] Manumission was not enough, Tucker argued, for the "habitual arrogance and assumption of superiority among the whites", along with the many laws limiting the freedom of free blacks, would never permit them to be truly free.[15] He disagreed with the solution posed by others to the problems faced by free blacks: forced colonization abroad. "To expel them all at once, from the United States, would in fact be to devote them only to a lingering death by famine, by disease, and other accumulated miseries."[16] Tucker did advocate that blacks be deported gradually, because he "wish[ed] not to encourage their future residence among us," but hoped to <u>persuade</u> free blacks to move voluntarily.[17]

The other factor affecting Tucker's view of manumission was the fear of rebelliousness among free blacks. Freed slaves would resort to violence to free their friends and family members still held in bondage, Tucker argued, and those still enslaved would be encouraged by the knowledge of others' freedom to rise up against their masters.[18] All slaves needed to know that freedom was on hand for all, reasoned Tucker; to see some freed by kinder masters would cause resentment and anger among those still enslaved. In most regards, Tucker showed compassion toward blacks and saw the inconsistency of revolutionary words with slaveholders' actions. But manumission, though completely admirable, was not the answer in a society where slaves' "civil incapacities are almost as numerous as the civil rights of our free citizens."[19]

Like Tucker, Virginia gentleman and Jefferson contemporary Robert Carter III spoke harshly of slavery and denounced it as a moral evil. Carter went further, however, by devising a plan for the gradual manumission over a ten-year period of his holdings of 500 slaves. A Baptist at the time he formulated his manumission plan (though he would change denominations more than once in his adult life), Carter certainly was influenced by his church's vocal opposition to slavery.[20]

Carter's manumission plan of 1791 was uncommon in its thoroughness and attention to the needs of his slaves. It provided land for those he felt would be capable of working it, and Carter planned to collect only a modest rent from his newly-freed tenants. The manumission plan called for the freeing of about fifty slaves a year over a ten-year period (the gradual approach was so that the scheme would have "the least possible Disadvantage to my fellow Citizens"), and he took special care to ensure that families were freed together and that the elderly were freed first.[21] In discussing his decision to manumit, Carter wrote passionately about the criminality of slavery. "Let us unite in prayer to correct this error [difficulty in freeing slaves], for tolerating slavery indicates a great depravity of mind," wrote Carter to a fellow Baptist in 1788.[22] Carter had sent his sons to Northern schools so they would avoid the taint of slavery ("The example and custom of this neighbourhood I take to be very destructive both to the morals and Advancement of Youth," he wrote of his decision[23]), though, ironically, one of those sons would return to oppose bitterly his father's manumission plan.[24]

Carter's biographer, Louis Morton, while not completely doubting Carter's moral sincerity, has found

other reasons to justify the manumission act. He quotes from Carter's papers evidence that the 500 slaves were becoming a financial burden to the tobacco grower in a period when tobacco prices were plummeting. "I have experienced that the produce of my land and negroes will scarce pay the demand requisite to keep them," wrote Carter in 1758 to justify a sale he made of several dozen slaves. Sixteen years later, Carter complained again of his inability to see profit in slavery, and letters in subsequent years echod this problem.[25]

Morton's argument that economic advantage played a major role in Carter's decision to manumit is reinforced by a look at the state of Carter's slave holdings in 1789-1791. In that three-year period, the number of black children under age ten in Carter's care rose from 120 to 194, and the number of elderly slaves (over age fifty) rose from sixteen to thirty-six.[26] Obviously, Carter had a growing number of relatively unproductive slaves who looked to him for care, and their market value, according to Morton, was lower than ever before. Freeing them meant eliminating that responsibility, writes Morton, and so Carter used the 1782 manumission law to solve his problem.

While it is difficult to separate or even guess at the motives that led to Carter's actions, it was likely

not a simple case of economic necessity that drove him. Like his contemporaries, Carter was cognizant of the contradiction between slavery and revolutionary ideology, and, more than many of his contemporaries, Carter was influenced by the strident antislavery message of his church. But the Baptist position did not go far enough for Carter; he chose to act as an individual against slavery, contrary to the church, which believed that "it is the business of the community to set [slaves] free. Individuals are clear."[27] While Carter agreed that the community as a whole must act, he wrote in his statement of manumission: "I have for some time past been convinced that to retain them in slavery is contrary to the true Principles of Religion and Justice, and that therefor it was my duty to manumit them."[28] That same year, Carter left the Baptist Church.

Carter stood his moral ground even when his neighbors and fellow tobacco growers opposed his plan. The problems of manumission that Tucker foresaw were writ large in Carter's community. A year after the first group of slaves was freed under Carter's plan, complaints came in. One planter wrote Carter to say that his slaves were now seeking manumission because they had heard what Carter had done. Another neighbor claimed that the free blacks, "by mixing with those in bondage, disquiet their minds--aid them in procuring false and stupid

certificates of their being Mr. Carter's free men."[29] This same correspondent concluded that the effect of one man's manumission act spread throughout the community and that such an act by one individual infringed upon the rights of others: "It appears to me that a man has almost as good a right to set fire to his own building though his neighbors is to be destroyed by it, as to free his slaves."[30] Robert Carter probably faced severe criticism from his equally well-established brother, Landon Carter. In a 1778 entry in his diary, Landon harshly wrote of manumission proposals: "Slaves are devils, and to make them otherwise than slaves will be to set devils free."[31] Apparently convinced that any slave's desire for freedom had likely been planted in him by liberty-minded whites, Landon added that he had no desire to "glut [his slaves'] genius for liberty which [they] were not born to."[32]

Robert Carter's experience with manumission shows both the moral integrity of one man and the problems faced when manumission became a reality. Carter's own sons opposed the plan, seeing their birthright seep away with each freed slave, and his community's opposition was vocal and widespread. The value of Carter's slaves totaled almost 17,000 pounds[33] and their economic value had obvious importance to his children, so he could not have been acting for mere economic advantage. Even in a period of low slave prices, a large sale of slaves would

have brought huge benefits to Carter, yet he chose to free them for nothing and give them land.

Richard Randolph, a wealthy farmer related by marriage to Jefferson, wrote in his 1797 will a passionate statement against slavery and in defense of his decision to manumit his approximately one hundred slaves. Randolph said that he freed his slaves "to make retribution, as far as I am able, to an unfortunate race of bond-men, over whom my ancestors have usurped and exercised the most lawless and monstrous tyranny, and in whom my countrymen (by their iniquitous laws, in contradiction of their own declaration of rights and in violation of every sacred law of nature, of the inherent, inalienable and imprescriptable rights of men, and of every principle of moral and political honesty) have vested me with absolute property."[34] Here is a Virginian, apparently utterly convinced of the evil of slavery, yet his available papers show no sign of remorse or redress made toward his slaves during his life. What his papers do show is a man more deeply concerned about his status in society than the freedom of his slaves.

Though Richard Randolph said little about slavery during his life, his brother Edmund, who served a term as governor of Virginia in the mid-1780s, did comment on the well-intentioned foolishness of liberalized manumission.

In his History of Virginia (1809), Randolph reflected on the debate that preceded the passage of the 1782 law, during which time he was a member of the House of Delegates: "Full of their late triumph over the British at Yorktown, the Assembly seemed to think that the political sky was so clear from all dangers that they did not anticipate, and therefore did not guard against, the evils which this indulgence to one of the best feelings of the human heart may from the conversion of black into free population, from the want of due precautions, occasionally produce."[35] Though Edmund Randolph considered slavery an "unnatural debasement" of Africans, and though he apparently concurred with the sentiment behind legal manumission, he could not convince himself that the cause was worth the price.

Clearly, despite many Virginians' commitment to the rhetoric of the Revolution, their reluctance to accept slaves as human beings rather than property, and their unwillingness to have free blacks moving about and fraternizing with slaves, made individual acts of manumission difficult for a Virginian gentleman with a reputation at stake. Some influential Virginians believed that manumitters were likely unloading troublesome or worthless slaves onto society; Edmund Pendleton--an acquaintance of Jefferson, delegate to the Continental Congress, and Virginia court justice--summed

up this view when he wrote to Madison that manumission would only free those who were "not the most desirable types of citizens."[36] (As a judge hearing a slave's suit for freedom in 1772, Pendleton ruled against the slave in a decision prophetically close to the Dred Scott decision. In his judgment, Pendleton wrote: "Slaves . . . are born and die on our lands, and by their representatives may continue with us as long as the lands themselves. Again in their value they are distinguished as lands")[37] Not all men of means agreed on the virtue of manumission.

Such sentiments were common throughout Virginia during the Age of Manumission. In an April 1795 edition of the Richmond Examiner, a correspondent calling himself "Seneca" expressed, simultaneously, his hatred of slavery and his oppposition to any plan to end it: "It requires no great powers of description or ratiocination to prove that [slavery] gives birth to habits which debilitate the body, palsy every faculty of the soul, and rob the heart of many of its finest feelings of benevolence. . . . The slave and the master are both far less happy than they would be without this relation," laments Seneca.[38] He goes on to express further the evils of slavery for both races, then says: "How unfortunate it is that an evil confessedly great to both parties should be so completely without a remedy! No person is more convinced of the

futility of any scheme of emancipation which has ever yet been suggested, than the writer of this piece. He therefore hopes that what has been advanced [individual manumission] will not be perverted into sentiments leading to emancipation."[39]

Newspapers were not the only forum for expression of public opinion on the issue of manumission (in fact, as Robert McColley has noted, Virginia's newspapers were strangely silent on the matter until the first decade of the nineteenth century[40]). Soon after the passage of the manumission law, the House of Delegates began to receive dozens of petitions from across the state calling for a reconsideration of the law.

The many petitions received by the legislature were signed by hundreds of people and addressed all possible concerns about the negative impact of manumission. Four petitions in 1785 comprised biblical defenses of slavery along with an ironical twist to Revolutionary rhetoric usually reserved for expression of antislavery sentiments. The petitioners compared their problems with those that had provoked the War of Independence:

> When the British Parliament usurped a Right to dispose of our property without our consent, we dissolved the Union with our parent Country, and established a Constitution & Form of Government of our own that our property might be secure in the Future . . . But notwithstanding this

> we understand a very subtle and daring Attempt is made to Dispossess us of a very important Part of our Property.[41]

Fearing for the survival of Virginia, these petitioners, from five counties, labeled supporters of the manumission law as "the enemies of our country, Tools of the British Administration, and supported by certain among us of considerable weight, to effect our Destruction by Subtlety & Craft . . . by wresting from us our slaves."[42] Presumably, those Virginians "of considerable weight" included Jefferson, Madison, and other prominent political leaders whose at least theoretical support for liberalized manumission had not won them universal favor.

These petitioners were not the only Virginians to view Jefferson's opinions on slavery with harshness. Some of Jefferson's contemporaries thought his writing on slavery to be the epitome of hypocrisy. An anonymous writer produced a monograph entitled The Pretensions of Thomas Jefferson to the Presidency Examined and the Charges against John Adams Refuted, in which he judged Jefferson's expressed concern for the welfare of slaves to be superficial, and his plan for manumission, to be followed by colonization, to be unworkable and reflective of his true disdain for blacks. Referring to the Notes on the State of Virginia, the critic wrote: "Here is such a jumble of ideas, such a confounding of cause and effect

. . . that the production of it by a man of common understanding can only be accounted for by ascribing it to a pitiful grasp at popularity with a class he has despised."[43] This critical and sarcastic polemic received some play in the Virginia press, and indicated that Jefferson and his peers faced a real dilemma in finding a solution to the problem of slavery. Many Virginians were simply not willing to accept a gradual emancipation through manumission or the theories behind it.

Other petitioners argued their anti-manumission case from more practical angles. A 1785 petition complained that manumitted slaves had helped the British in the War of Independence; that manumission would devalue the financial worth of slaves; that free blacks would become a burden upon the people of Virginia; and that manumission should be reserved solely to reward slaves for special merit, for otherwise no slave would be motivated to demonstrate good conduct.[44] Similarly, a 1784 petition, noting that "free negros are agents, factors and carriers to the neighboring towns for slaves, of property by them stolen from their masters and others," simply concluded that despite any possible ideological merit to the idea of liberalized manumission, such liberties for blacks were inconvenient to the whites of Virginia.[45]

It is doubtful that manumission ever gained widespread support during the period 1782-1806. Both sides of the debate were vocal and passionate, and the discussion cut across all levels of Virginian society. But there is little evidence to suggest that significant support for liberal manumission existed except among certain churches and the wealthy planters of Virginia. Ironically, it seems that wealthy Virginians with large slave holdings spoke the loudest in favor of manumission while those with few or no slaves said little about it. A class breakdown of the manumitters appears later in this thesis, but it is safe to conclude from the evidence in this chapter that manumission was not an act a person could make without facing some criticism from peers and large elements of Virginia society. That criticism would become louder and more intense as discontent with manumission grew in response to social forces that would lead to the elimination of most antislavery sentiment in Virginia.

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CHAPTER 4. THE END OF THE MANUMISSION EXPERIMENT

Virginia's manumission law reflected the outermost extent to which revolutionary ideas of liberty would reach in the slaveholding states in regards to slavery. Individuals who supported the idea of manumission believed that slavery was morally evil, and used the right of manumission to express this opinion, but most of those individuals were unable to tolerate one important effect of liberalized manumission: a larger free black population. As the manumission experiment entered a new century, many of the concerns that Jefferson had about the mixing of the two races, as equals, seemed to be coming true. Fear of black insurrection, a fear often guilt-driven, stood in the way of black freedom. St. George Tucker had written in 1796 of his apprehensions about free blacks encouraging slave revolt, and his worries spread across the state. This fear was greatly enhanced by particular events in the last decade of the eighteenth century. As the century ended, attitudes toward slavery began to harden throughout the South, and fear of violence by blacks against whites played a major role in the increasing rigidity of those attitudes.

There were other factors as well that contributed to a growing acceptance of slavery in states where its moral status had been questioned. As the fervor of the

Revolution subsided, the generation that Jefferson had hoped would have "sucked in the principles of liberty as it were with their mother's milk"[1] seemed in fact less mindful than its fathers of the lessons of the Revolution. Mounting irritation with antislavery agitation and the growing numbers of free blacks resulted in more stringent requirements for manumission and in tightened and more severely enforced slave codes across the South. Particularly where slavery remained economically profitable, it began to assume the qualities of a familiar tradition, and confessions of guilt and despair over slaveholding diminished. With slavery more deeply ingrained than ever in the culture of the South, its abolition seemed more and more an impossible absurdity to Southerners.

As the new century dawned, the South began to acquire its own character and institutions, distinctly southern and marked by their common basis in slavery. The central theme of southern social activity became a resolve to retain control over blacks, a resolve that united rich and poor whites. With antislavery pressure from the North increasing, the South was feeling a sense of persecution from Northern do-gooders. The South was becoming a conscious minority, its population growth slower than in the other regions of the nation, its slavery more and more an isolated anachronism in western

civilization. By 1805, enslavement of Africans was in retreat and becoming less acceptable in the western world--England's last slaves had been freed in 1772, the French had acted to ban slavery at home and in their colonies in 1794, some South American countries with slavery were in the process of abolishing it, and all northern U.S. states had enacted emancipation schemes, the last being New Jersey, which waited until 1804.[2]

The tidal wave of emancipationist sentiment from the North and abroad provoked a defensive reaction in the South that forced Southern society into a structure conducive to the preservation of slavery even if that meant economic stagnation. Those who opposed slavery in Virginia argued that there existed an ironic, vicious circle of slavery and stagnation. George Washington was forced to accept slaves as payment for debts, and reluctantly accepted this "very troublesome species of property" instead of the cash he much preferred.[3]

Washington shared a growing view in Virginia that, because slavery discouraged white immigration and white labor, it reinforced its hold on Virginians. Manumission, if continued in the liberal fashion that the 1783 law encouraged, would eventually cause a shortage of farm labor that could not be made up by white labor because the growing free black population discouraged

white workers from coming to Virginia.[4] And to Virginia's plantation owners, slavery seemed to be the only reliable source of black labor. As Thomas Babcock points out, Washington, Patrick Henry, and other commentators could not tolerate the severe economic dislocation that would occur if slavery were abolished by law, and they could also not condone the growth of the black population, free and slave, that prevented white immigration and tied Virginia more tightly to its slave labor system.[5] Dwight Dumond estimates that between 1800 and 1847, just under 300,000 white laborers and their families fled from Virginia because "slavery stigmatized all labor."[6]

Even the churches of Virginia that had once been vocal opponents of slavery began to change their minds as the new century began. Under pressure from its membership to abandon its antislavery crusade, Virginia's Methodist church decided that it "had traveled too quickly in advance of public opinion" and opted to leave "the whole subject to be modified by the legitimate influence of Christianity and ultimately to the issue of wise and humane laws, guided on either hand by patriotism and philanthropy."[7] The leaders of the church had already privately decided that their crusade was hopeless; "I am brought to conclude that slavery will exist in Virginia for ages, there is not sufficient sense

of religion or liberty to destroy it," wrote one Methodist bishop in 1790.[8] By 1808, the Methodist church in Virginia had revoked its request of all its members that they manumit their slaves.[9] Only the Quakers kept their rule that no member could be a slaveholder.

The economic conundrum nothwithstanding, no factor hardened attitudes against slavery more than did the fear of black revolt. It is doubtful that the actual threat of slave rebellions was as serious as Virginians and other Southerners came to think it was. Herbert Aptheker, who is sometimes accused of having exaggerated the amount of black resistance to slavery, maintains that though the urge to rebel beat in many a slave's heart, Virginia only faced three serious conspiracies in its entire antebellum period, and only one during the manumission era.[10] (Aptheker defines a rebellion as a planned effort by 10 or more slaves to seize control. He notes that there were several others instances of blacks working together to commit petty crime, but even these situations were not frequent enough to threaten Virginian social order.) But regardless of whether their worries might have been groundless, Virginians lived each day with the fear of black retribution, and feared that Jefferson might be correct in his prophecy that God's justice could "not sleep forever,"[11] and that their slaves would rise in rebellion.

In the 1790s it seemed this prophecy was on the verge of being realized. The first of many horrifying slave revolts occurred abroad, though not far enough from home for Virginians: the Santo Domingo revolt of 1793. The Richmond Enquirer brought home to Virginians the events of 1793 in lurid detail:

> To enter into a full detail of the particulars of the massacre . . . would be a painful task, but we are assured that from the beginning to the end of the hellish work, the most unparallelled cruelties were inflicted upon the whites in a manner too shocking too relate.
>
> Men, women and children were hacked down with swords and plunged with bayonets. Women with children in their arms, were seen flying through the streets to avoid their pursuers; and being overtaken by them, one thrust of a bayonet has pierced both mother and child!
>
> Previous to the massacre, certain of the blacks in order to obtain the property of whites . . . called on them individuals and promised to spare their lives if they would give it up [but] not one of them was exempted from the general massacre.[12]

These violent details were absorbed by Virginians who, like Jefferson, saw that what happened in Santo Domingo could happen at home unless something were done to stop it. Jefferson's reaction to the Santo Domingo violence was to suggest that emancipation efforts must continue, but must be tied to immediate colonization: "if something is not done, and soon done . . . we shall be the murderers of our

own children."[13] Virginia's legislators chose to ignore Jefferson's suggestion and instead opted for harsher repression of free blacks. They immediately passed a law banning the immigration of free blacks into the state, fearing that they would incite rebellion among slaves. It was free blacks, not slaves, who were most feared as rebel leaders, and so it was the growing number of free blacks that needed the greatest control.

The 1793 law was a direct result of the Santo Domingo revolt; in fact, it singled out blacks fleeing the island as targets:

> Be it enacted, That it shall not be lawful for any free negro or mulatto to migrate into this commonwealth, and every free negro or mulatto who shall come into this commonwealth contrary to this act, shall be removed [to] that state or island from whence it shall appear he or she last came.[14] [Emphasis mine.]

The singling out of "island" blacks, along with a law passed three years later that banned the bringing in of slaves from the West Indies, indicated the fear that the virus of rebellion could be easily passed on to the blacks of Virginia.

Fear of slave rebellion grew rapidly from 1793 on. While unrest and violence continued in Santo Domingo for nearly a decade, the fear of similar violence in Virginia

inspired reports of incipient rebellions of slaves and free blacks alike. As Winthrop Jordan writes, Virginian political leaders were inundated with stories of insurrections and petitions for harsh measures to control them: "In Richmond one Virginian deposed that he had overheard two Negroes discussing a plot against the whites and referring to what the slaves had accomplished in the 'French Island.'"[15] Slaves were executed in several instances for alleged conspiracies. Free blacks, thought to be the instigators of many of these examples of slave unrest, were treated harshly for harboring runaways or lending or forging manumission papers for runaways. "The hysteria unleashed by events on Saint-Domingue eroded the freemen's legal rights like a torrent of rain on a grassless slope," writes Ira Berlin.[16]

When an apparent slave revolt conspiracy was unearthed, reaction was vocal and swift, and blame was frequently placed on free blacks for fomenting the rebellion. The Gabriel Prosser conspiracy of 1800, and the white reaction to it, made it clear to Virginians that blacks could not be trusted with the rights and responsibilities that came with the freedom that manumission granted. The Virginia state government made a thorough investigation of the Gabriel conspiracy, a planned insurrection that saw the worst fears of the state become real. According to the investigation report, a group of

slaves belonging to Thomas Prosser and some of his neighbors had planned to "rise at night, kill their masters, and proceed to Richmond, where they would be joined by the negroes of the city . . . then take possession of the arms, ammunition, and the town."[17] Prosser's slave Gabriel was the alleged leader of the rebellion and had been appointed general of the revolutionary army by his fellow rebels. (In The Wolf by the Ears, John Miller identifies Gabriel as a free black,[18] but the record clearly shows that Gabriel was a slave.)

Though no free blacks were convicted of participating in the revolt, the House of Delegates' report concluded that the free blacks of Richmond had been enlisted en masse by Gabriel and his co-conspirators. The investigation by the House of Delegates into the Gabriel plot and its participants suggested without evidence what Virginians feared most from free blacks. As Governor of Virginia, James Monroe prepared the final report on the investigation. He wrote:

> It seemed strange that the slaves should embark in this novel and unexampled enterprise of their own accord. Their treatment has been more favorable since the revolution, and as the importation was prohibited among the first acts of our independence, their number has not increased in proportion to that of the whites. It was natural to suspect they were prompted to it by others who were invisible, but whose agency might be powerful.[19]

Monroe's apprehension that blacks being freed by manumission were the "invisible" forces behind a growing unrest among those still held in bondage was not uncommon. Virginians were largely proud of the progressive and humane treatment they supposedly provided for their slaves, and believed that discontent among these slaves was being encouraged by the activities of free blacks and the promise of freedom that those blacks represented. Monroe wrote to Jefferson with a warning that he repeated to the House of Delegates: "It belongs to the legislature to weight with profound attention, this unpleasant incident in our history. What has happened may occur again at any time, with more fatal consequences, unless suitable measures be taken to prevent it."[20] Such an alarm, raised by a respected and moderate governor, was heard clearly by Virginians.

Monroe's siren was echoed by other prominent Virginians. John Randolph, who paid close attention to the aftermath of the Gabriel plot, wrote that the guilty slaves "exhibited a spirit, which, if it becomes general, must deluge the Southern country in blood. They manifested a sense of their rights, and contempt of danger, and a thirst for revenge which portend the most unhappy consequences."[21] Randolph believed that the "spirit" of freedom that filled the slaves had been imported from Santo Domingo and was

being disseminated by those blacks who had already tasted of freedom.

Pervasive fears of slave rebellion, inspired and aided by free blacks, had a negative effect on Virginians' tolerance for liberal manumission laws. When once Virginia's newspapers had been strangely quiet on the issue of slavery (McColley says the papers avoided the subject in order to prevent public excitement over the matter), the press began to follow the subject much more closely in the wake of the Gabriel conspiracy. The Richmond Enquirer provided numerous and full accounts of incipient revolts squelched at the last minute, as well as the hardening opinions of concerned correspondents. After an alleged rebellion had been quashed in Richmond in September 1800, an angry Virginian wrote to the Enquirer, rebuking its editors for their poor record in alerting whites to the dangers they faced from their slaves. The anonymous writer also took it upon himself to explain to readers "the origin of this evil" of slave unrest, which he saw as the manumission experiment. Free negroes had harbored the rebellious slaves, and had provided them with arms and money (one arrested slave was discovered to have "ten dollars--where he got them his master could not imagine"), the writer said.[22] Such incitement by freed slaves was no surprise to him, because such slaves had been filled with dreams of liberty, passed on to them by "some of our

profligate democrats"; no doubt, those democrats were the supporters of manumission.[23] The source of black discontent was clear to the writer:

> Liberty and equality have brought the evil upon us. It [sic] has been most imprudently propagated, as have many of our principles, while our servants have been applauding behind our chairs, for several years past. It has been and is still preached by the Methodists, Baptists and others, from the pulpit, without any sort of reserve. What else then could we expect but what has happened?[24]

The writer concluded by stating that a supporter of manumission "must be a fool, my friend [if he] thinks there can be any compromise between liberty and slavery."[25]

This Virginian challenged the assumption that had inspired many supporters of manumission: that, while general emancipation would be neither workable nor acceptable to whites, individual manumission could satisfy the moral imperatives of the Revolution while at the same time provide hope to slaves and thus convince them that rebellion would not be necessary. As the fear of slave revolts grew, this "compromise between liberty and slavery" seemed to be failing; more, not fewer, instances of violence from blacks were occurring, and the press took up the writer's challenge to inform Virginians of the danger.

In one issue of the Enquirer--January 5, 1802-- two prominently placed articles reflected the growing concern among Virginians. An open letter from a citizen of Petersburg pleaded with the Governor to send protection to his town in case of any rebellion. "We feel much the want of a field officer or some person within the town to superintend and direct in case of alarm," he wrote, because "every thing is in a measure of confusion and would perhaps be attended with fatal consequences was an insurrection absolutely to commence."[26] In that same issue of the Enquirer, a lengthy story reported on the trial and execution of five slaves who had plotted a rebellion over the Christmas season. One of the slaves had testified that "the white people had so much more liberty than they had, that they could not do as they pleased unless the white people were destroyed."[27] This lust for liberty would have led to the "crippling and killing of all the white people as [the rebels] went," said the article.[28] Dozens of women and children would have been slaughtered, according to the newspaper, had not the rebellion been detected early. The story also implied that the slaves had to be getting their thirst for freedom from somewhere and that free blacks were the likely source.

Several similar reports can be found in the

newspapers of the period, though the papers of even ten years earlier show virtually no such stories. These types of articles, along with the increasing number of reports of fraudulent acquisition of manumission documents by runaway slaves and other transient blacks, filled Virginians with fear and suspicion of free blacks who could profit from their possession of manumission papers and incite their enslaved brethren. Virginia legislator Thomas Robertson spoke for many when he called for the repeal of private manumission to limit the numbers of "dangerous" free blacks because manumission was "destructive to the happiness of the state."[29] Such public concern would eventually compel tougher laws affecting manumission; Virginians worried that more was needed than the 1782 law that made "adequate provision . . . for the punishment or removal of such free persons as may be guilty of advising or conspiring with any slave to rebel or make insurrection,"[30] and by 1806 all manumitted slaves were required to leave the state.

Free blacks fell under increasing suspicion for the corruption of slaves in other areas of conduct as well. In a survey of race relations in Richmond from 1782 to 1820, Marianne Sheldon writes that free blacks were allowing slaves the use of their homes for assembly, gambling, and drinking.[31] By 1800, any free black found on the street who could not provide a good excuse for his

presence there was detained overnight in jail.[32] A few years later, the Richmond police force was greatly expanded to control the city's free black population. Commercial activities of free blacks were more tightly regulated, and the city fathers even took it upon themselves to instruct slaveholders to warn their slaves about the evils of consorting with free blacks.[33] A grand jury of the Richmond Court summed up the concerns of whites in a report, filed in 1795:

> We are also sensibly affected as [are] our fellow Citizens by the numerous evils which result from the toleration of such a number of . . . free negroes . . . as daily infest the streets and by night plunder the inhabitants, & among other things seeing allmost hourly proofs of the increasing corruption of morals and other injuries flowing from the permission of negro [assembly].[34]

This growing intolerance of whites for the presence of free blacks led to increased criticism of the primary reason why there were so many free blacks: manumission. Never supported by a comfortable majority in the Virginia House of Delegates, manumission advocates faced mounting pressure to limit or cease the practice. This pressure led, in 1806, to a severe restriction of manumission. The fear of free blacks, whom whites had come to detest more than slaves, had overridden any moral sense of responsibility toward blacks. The state's Emancipation Society was forced into ceasing

activities in 1806,[35] the same year of the restriction of manumission. Clearly, the age of manumission was over, and along with it went Jefferson's hope of a gradual, voluntary emancipation of slaves in his beloved Virginia.

ENDNOTES FOR CHAPTER FOUR

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22. Richmond Enquirer, 13 October 1800.

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CHAPTER 5. CONCLUSION: RESOLUTION OF THE JEFFERSONIAN DILEMMA

Like Thomas Jefferson, many Virginians of stature grappled with the problem of reconciling the rhetoric of the Revolution with the institution of slavery. There was certainly no lack of moral outrage against slavery in Virginia after the Revolution; this outrage contributed to the legislative consent given to liberalized manumission. But once manumission became legal and the numbers of free blacks increased, the fear of black revolt and a general distaste for blacks moving freely in society led Virginians to reject manumission as an acceptable option either in its own right or as a gradualist emancipation scheme. The manumission experiment must be judged a failure, and not only a failure, but also a contributing factor to the hardening of attitudes toward slavery in Virginia and throughout the South.

Manumission failed because the public view of the purpose and effect of manumission changed between 1782 and 1806. At the time of the passage of the liberalized manumission law, manumission had been seen as an individual's expression of charity, as a gesture of moral conscience, or as a reward to a slave for outstanding service; a manumission was not considered to be a component of an abolitionist program.[1] But by the new

century, manumission was seen by both its advocates and its opponents as a virtual gradual emancipation scheme that was resulting in the rapid growth of a free black population. As an extraordinary act by a Governor, manumission was acceptable to the public; as a route to emancipation, it was not. Unwilling to accept the notion of blacks as equals, Virginians opted to preserve slavery, however distasteful, if the alternative were a society composed of blacks equal to whites. In 1784, Madison had labeled manumission a compromise between slavery and emancipation, and he had perceived the compromise to be positive. By 1800, however, supporters of the manumission compromise were thought by many Virginians to be fools. Jefferson's frequent observations that white Virginians were not ready to live side by side with blacks were born out by the results of liberalized manumission.

Thomas Jefferson's attacks on slavery always seemed to bear a tone of forlorn hopelessness about them; he urgently wished to see slavery end, but could not conceive of how such a goal could be achieved in the social climate of his time. Critics of Jefferson castigate him for uttering lofty pronouncements on slavery but doing little that counted even though he held considerable political power throughout his adult life. But when the fate of Virginia's manumission experiment is

taken into account, Jefferson's quandary can be better appreciated.

It is impossible to say exactly how much Jefferson would have been hurt politically had he moved against slavery, but he certainly had good reason to fear negative reaction to his offering any vocal opposition to slavery or making any large manumission gesture. Even with the corollary of colonization attached, Jefferson's expressions of his hope for eventual emancipation often were met with criticism by his peers, and his fear of being rendered politically impotent due to his unpopular antislavery positions were likely well-founded. Indeed, Donald Robinson believes that Jefferson's views on slavery, as expressed in the Notes on the State of Virginia, cost him needed Southern votes in the 1796 presidential election.[2] While noting that Jefferson was perhaps unjustly accused because he never firmly advocated general emancipation, Robinson concludes that Jefferson nonetheless was "prepared to promise that he would not use his national office as a forum for attacking slavery or seeking to work for its abolition."[3] Jefferson's celebrated correspondence with the black mathmetician Benjamin Banneker also provoked negative reaction; the following comment appeared in a vitriolic 1796 monograph attacking Jefferson:

> What shall we think of a secretary of state

> thus fraternizing with negroes, writing them complimentary epistles . . . congratulating them on the evidences of their genius, and assuring them of his good wishes for their speedy emancipation?[4]

By the time he assumed the presidency in 1801, such criticisms, along with the growing discontent with the numbers of free blacks in Virginia, likely contributed to Jefferson's pessimism about the prospects for emancipation during his lifetime. He said little about slavery during his eight years as president, commenting only on his delight when the slave trade ban came into effect in 1808 and reiterating, in the last weeks of his term when appeals to voters were no longer necessary, his general distaste for slavery.[5]

Historians often criticize Jefferson for not manumitting more than five of his slaves, but by the time Jefferson wrote his will, in 1826, manumission had been a dead letter in Virginia for twenty years. For the five slaves that were freed, Jefferson made provisions for comfortable living conditions, and even appealed to the Virginia legislature to offer its permission for them to remain in the state.[6] His refusal to free slaves while he lived, already discussed earlier, was likely affected by his concerns for his own political career as well as for the welfare of his slaves who, if freed, would have faced, alone, a society that resented and feared them.

Jefferson worried about the repercussions even of publishing his Notes on Virginia in the social climate in which he lived. In discussing with his French publisher his motives for restricting the availability of the Notes, Jefferson wrote:

> The strictures on slavery and the constitution of Virginia are the parts I do not wish to have made public, at least till I know whether their publication would do most harm or good. It is possible that in my own country these strictures might produce an irritation which would indispose the people toward the two great objects I have in view, that is emancipation of their slaves and the settlement of their constitution on a firmer and more permanent basis.[7]

If Jefferson feared that the publication of a book would hamper the antislavery cause (and there is nothing to suggest his fear was not genuine), then he must certainly have felt a similar though greater fear for what would happen to him, his slaves, and the antislavery appeal were he to act on the sentiments expressed in that book and manumit his slaves.

It is too simple to say that Jefferson was hypocritical on the subject of slavery. He obviously did fear for his reputation and the damage his antislavery appeals could have on it, and his frustration with his and Virginia's inability to answer the slavery question was well-founded. As the manumission experiment

demonstrated, Virginians became increasingly distrustful of blacks and less inclined to tolerate their rising numbers as Revolutionary rhetoric waned. Jefferson sensed the growing reluctance of Virginians to heed the words of the Revolution, and over time lost any optimism he had had for the chances of emancipation occurring in his lifetime. Earlier in his life, Jefferson had revealed occasional bursts of optimism about Virginia's desire for emancipation; writing to a French friend in 1786, he predicted that "the disposition to emancipate is strongest in Virginia. I flatter myself that it [emancipation] will take place at some period of time not too distant."[8] On another occasion later that same year, however, he expressed a more prevalent disappointment with his society for being unable to eliminate slavery in his lifetime. Dejected with the failure of a proposal to the Virginia legislature for the gradual elimination of slavery, Jefferson observed that "the moment of doing it with success was not yet arrived, and that an unsuccesful [sic] effort, as too often happens, would only rivet still closer the chains of bondage, and retard the moment of delivery to this oppressed description of men." Reflectively, he added:

> We must await with patience the workings of an overruling providence, and hope that that is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless a god of justice will

> awaken to their distress, and by diffusing light and liberality among their oppressors, or at length by his exterminating thunder, manifest his attention to the things of this world.[9]

As time went on, Jefferson's moments of optimism regarding emancipation became much more scarce, and were replaced by an overwhelming certainty that the end of slavery in Virginia was not in sight. By 1815, Jefferson resignedly noted that "some progress is sensibly made in it [emancipation]; yet not so much as I had hoped and expected. Where the disease is most deeply seated, there it will be slowest in eradication."[10] In his autobiography, written in 1821, he reflected on his earlier hopes for emancipation and wrote that he "found that the public mind would not yet bear the proposition, nor will it bear it even at this day."[11] Obviously, Jefferson had come to believe that there was insufficient public will in Virginia to act against slavery, and that little could be done until a hitherto sleeping providence awoke to stimulate Virginian morality. Jefferson's failure to manumit his slaves can be attributed in part to political caution, but the increasing pessimism he felt about the fate of freed blacks must certainly have contributed also to his tortured inability to act. The shifting attitudes toward blacks that he witnessed during the period of liberalized manumission could have done little to assuage his concerns, and, in fact, seemed to

have convinced him that until society was ready for full emancipation, less-comprehensive tactics such as manumission only strengthened anti-emancipation opinion.

Thomas Jefferson was not the only Virginia statesman who acted hesitantly on slavery in part for political reasons. For example, James Madison, an early but quiet supporter of manumission, frequently advocated caution when dealing with the issue. When asked why he would not present a Quaker antislavery petition to the House of Delegates in 1791, Madison responded:

> Those from whom I derive my public station are known by me to be greatly interested in that species of property . . . It would seem that I might be chargeable at least with want of candour, if not fidelity were I . . . to become a volunteer in giving a public wound, as they would deem it, to an interest on which they set so great a value.[12]

The reactions of Virginians to free blacks during the manumission experiment era led Madison, like Jefferson, to a deepened cynicism regarding the likelihood of emancipation. They also led Madison to accept the general view that free blacks were in fact a dangerous element in American society; he had not liked the rebellions he had witnessed or heard whispers of since 1782. By the 1820s, an aged Madison had become firmly attached to the idea of colonization for all free blacks, even becoming president of the American Colonization

Society in 1823.[13] In a gradual emancipation plan he drafted in that same year, Madison insisted that any emancipation scheme would have to be tied to colonization, and his plan reflected the attitude his home state had acquired so thoroughly during the manumission experiment: that any increase in the number of free blacks would increase the threat of black insurrection. "Free blacks feel more connected to slaves than to white society," wrote Madison, "and [they] encourage insurrection."[14] Madison mirrored Jefferson's dilemma in another way as well; during his presidency, in fact from 1791 to 1822, Madison's public and private papers show no comment on the slavery issue.[15]

For Jefferson, Madison, and other supporters of the 1782 manumission law, the experiment had led to decreased tolerance for blacks and a recommitment to slavery among Virginians. Manumission supporters had witnessed the difficulty in the initial passage of the law and had lived through repeated attempts to have it repealed. Virginia proved that manumission could not be used as a compromise between slavery and freedom.

Even if a slaveholder had the moral desire to manumit his slaves, there were tremendous social and family pressures placed on him to resist that desire. As noted earlier, Robert Carter came under heavy criticism

from his peers and his children, the latter of whom wanted the wealth represented by the slaves passed on to them (somewhat ironically, because Carter had gone to special lengths to try to ensure that his sons did not acquire proslavery attitudes). A South Carolinian, Henry Laurens, recorded what must have been the thoughts of many Virginians as well when he wrote in 1776 that manumission was made difficult by the "laws and customs of my country, my own and the avarice of my countrymen."[16] Laurens worried not only about what the neighbors would think, but also how his heirs would react: "What will my children say if I deprive them of so much estate?" he asked rhetorically.[17]

Similar thoughts were also expressed by George Washington, who voiced some opposition to the concept of liberalized manumission because of the cost to the owner, though his will did allow for manumission of all his slaves after his wife's death.[18] John Marshall manumitted only one slave, by deed in 1796, though he held close to ninety slaves at the time of his death.[19] Fellow Virginian George Mason, who as a delegate to the 1787 constitutional convention spoke eloquently against the evils of the slave trade, chose not to manumit a single slave by deed or will. His will reflected the real economic and family consequences he anticipated should he act on his putative moral disgust; in his will

he ordered that his "slaves and their increase . . . be kept together [with his other property] and considered as one common stock for payment of my debts and the maintenance and education of my children."[20] And Patrick Henry, another vocal opponent of slavery, similarly relied on the value of his slaves to support his wife after his death, and his children after hers. His will only allowed his wife to free "one or two" of his approximately one hundred slaves, should she choose to do so.[21]

For public and private reasons, it appears to have been difficult for a Virginian gentleman to manumit slaves, especially during his lifetime, when economic and social factors made him especially reticent. Manumission seems actually to have been most accepted by those whose reputations were not at stake--such as those with no reputations. In a breakdown of statistics related to Virginia's manumitters, Theodore Babcock concludes that most Virginians who freed any or all of their slaves were holders of no more than five slaves.[22] Babcock's calculations also lead him to believe that most manumitters of significant percentages of their slaveholdings did not have dependents to worry about.[23] Babcock's analysis indicates that most manumitters acted only when no financial, domestic, or political repercussions were anticipated. It is also likely that

social repercussions were minimal when small farmers freed a slave or two. When these people acted, manumission was acceptable. When a public or well-established figure acted similarly, however, manumission was viewed as a radical, pro-emancipation tactic. Babcock points out that only twelve percent of the manumission documents he studied expressed moral or ideological concerns as the motive for manumission.[24] This low figure suggests that those most concerned with the morality of slavery were the least willing to face public criticism by acting, on the public stage, upon their principles.

The law of 1806 that restricted the opportunity for manumission was a reflection of Virginia's discontent with a free black population. But although it is accepted virtually unanimously among historians that the 1806 law ended Virginia's manumission experiment, there was no legal reason why manumission could not have continued. The law did not ban manumission; it just required that manumitted slaves be removed from the state. It is certainly true that the expense to the conscientious slaveholder of relocating freed blacks could be a detriment to manumission. By 1806, there was no neighboring state that would accept the free black--Kentucky, Ohio, North Carolina, Missouri, and Tennessee had all denied permanent residence to free blacks from

other states.[25] Despite the problem of finding a home for a manumitted slave, however (and the problem was not overwhelming; a freed slave had a year to leave the state and presumably all a master need do was find a way out for the slave), manumission could have continued in Virginia had the desire to do so been there. That desire was not there. Jefferson and his peers had in fact met with increasing opposition and hardening of attitudes toward emancipation in the quarter-century of liberalized manumission, and had seen Virginia's compromise between slavery and emancipation become heavily criticized, heavily restricted, and in many cases heavily damaging to the manumitted slaves. In his study of the "failure of freedom" for blacks, Ira Berlin notes that "the glare of hostile public opinion not only dissuaded many would-be manumitters but also encouraged avaricious heirs and creditors to challenge the slaves' right to freedom."[26] It was not the law of 1806 that ended manumission, but rather the failure of manumission to retain its supporters when its real and perceived effects became apparent to Virginians.

When Virginia passed its manumission law in 1782, the law had received significant support on ideological grounds. Churchmen and secular leaders alike believed that it was their moral duty to grant to slaves the rights won by whites in the War of Independence. They

believed that voluntary manumission would earn widespread acceptance by their like-minded fellow Virginians and that the gradual growth of the free black population resulting from voluntary manumission would mitigate the jarring effects of the two races meeting as equals. But as the manumission experiment unfolded, the moral demands of the Revolution clashed head-on with the greatest fears of Virginians: the fears of revolt, of vengeful blacks, of the sudden, violent loss of an economically important institution. Slavery also was becoming inextricably tied to the growing states' rights arguments as the nineteenth century began, and Southerners were coming to resent Northern abolitionist criticism of their states and their handling of slavery. For all of these reasons, manumission became synonymous with emancipation, and became an unpopular subject among Southerners.

Virginia's manumission experiment helped resolve the Jeffersonian dilemma, but with a resolution that came down squarely in favor of the perpetuation of slavery. As the nineteenth century progressed, expressions of moral concern about slavery virtually disappeared throughout Virginia. Fear of slave rebellion led by manumitted slaves made free blacks anathema to Virginians (including Jefferson, Madison, and most other opponents of slavery) and other Southerners, and "positive good" arguments in defense of slavery began to win support

among the white population. The positive good disciples arose early in the decade in Virginia, with John Taylor's Arator essays of 1813 heralding the new century's proslavery approach. Taylor's essays were proposals to establish a Southern agrarian utopia, with slavery as the key supplier of labor. Free blacks were parasites who induced laziness and unhappiness in slaves, Taylor wrote, and should be removed immediately from the South. The slaves themselves would benefit from the removal of the free blacks by dedicating their attention to agrarian progress for master and slave alike. The Arator essays addressed Virginia's Jefferson dilemma by reassuring Virginians that a tightly controlled slave system served blacks (as well as whites) better than a hodge-podge of manumission laws and well-intentioned reforms that only produced a subculture of impoverished, detested free blacks.[27] The voices of Taylor and those like him replaced the antislavery appeals of Virginia's leaders of a generation earlier and made a mockery of the ideological arguments behind manumission. The only serious discussion of slavery in the Virginia legislature after the 1782 manumission law was the 1832-33 debate, which William Freehling characterizes as the "Deportation Debate" because it had less to do with freedom and more to do with removal of blacks, "most often to slavery elsewhere".[28]

In the end, manumission was a failure; ironically, it was a victim of its own short-lived success in that the growing free black population, augmented by increased manumission, caused a backlash among whites against free blacks and the legislation that granted slaves that status. It invited the Virginians of Jefferson's time to act upon the moral impulses fueled by the Revolution, but Virginians ceased to act upon those impulses when the effects became disturbing. Further, with the threat posed by free blacks seemingly so clearly demonstrated, and colonization an increasingly unrealistic option despite the urgent cries for it, manumission could no longer be tolerated.

Thomas Jefferson always seemed aware of the darker side of Virginians' nature. His writings show occasional bursts of optimism for emancipation, but much more frequently record the thoughts of a man who believed the two races could not and should not live together as equals. He sensed that a free black population, grown large due to liberalized manumission, would not be accepted by white society. Jefferson can be forgiven for sharing the fears of free blacks held by most Virginians, and his desperate arguments for colonization must be assessed with Virginia's manumission experience in mind. He was certainly not the only Virginian of prominence to turn away from manumission while declaring an aversion to

slavery.

For Thomas Jefferson, the Jeffersonian dilemma of slavery in an age of liberty remained unresolved at his death. For Virginia, the experiment with manumission proved that emancipation, however gradual, was not an acceptable solution to slavery. For the nation, the contradiction of slavery and freedom would indeed be resolved, as Jefferson had predicted, by exterminating thunder: the thunder of civil war.

ENDNOTES FOR CHAPTER FIVE

1. Theodore Babcock believes that the Virginian government passed the 1782 law simply as a logistical move to clear the courts of illegal private manumission. Theodore S. Babcock, "Manumission in Virginia" (M.A. thesis, University of Virginia, 1974), 10.

2. Donald L. Robinson, Slavery in the Structure of American Politics, 1765-1820 (New York: Harcourt Brace Jovanovich, Inc., 1971), 96.

3. Ibid.

4. William Loughton Smith, The Pretensions of Thomas Jefferson to the Presidency Examined and the Charges Against John Adams Refuted (Philadelphia: William Loughton Smith, 1796).

5. This statement is based on a review of documents collected in Matthew T. Mellon, Early American Views on Negro Slavery: From the Letters and Papers of the Founders of the Republic (New York: Bergman Publishers, 1934).

6. The Will of Thomas Jefferson, The Writings of Thomas Jefferson, Albert Bergh, ed. (Washington, D.C.: The Thomas Jefferson Memorial Association, 1903), 18:337.

7. Thomas Jefferson to Chastellux, 1785, Early American Views on Slavery, Mellon, 103.

8. Jefferson to Jean Nicolas Demeunier, 24 January 1786, The Papers of Thomas Jefferson, Julian P. Boyd, ed. (Princeton: Princeton University Press, 1954), 10:18.

9. Jefferson to Demeunier, 26 June 1786, Papers of Jefferson, Boyd, ed., 10:63.

10. Jefferson to David Barrow, 1 May 1815, The Writings of Thomas Jefferson, Albert Bergh, ed. (Washington, D.C.: The Thomas Jefferson Memorial Association, 1903), 14:297.

11. Jefferson, Autobiography, in Writings of Jefferson, Bergh, ed., 1:73.

12. James Madison to Robert Pleasants, October 30, 1791, Early American Views, p. 130.

13. Drew R. McCoy, The Last of the Fathers: James Madison and the Republican Legacy (New York: Cambridge University

Press, 1989), p. 301.

14. Ibid., p. 320.

15. Based on a review of the documents in Mellon, Early American Views.

16. John Laurens to Colonel Laurens, August 14, 1776, Early American Views, p. 52.

17. Ibid.

18. Mellon, Early American Views, p. 31.

19. Deed Book, Office of the Clerk of the Henrico County Circuit Court, Richmond, The Papers of John Marshall, Herbert A. Johnson, ed., (Chapel Hill: University of North Carolina Press, 1979).

20. The Will of George Mason, The Life and Correspondence of George Mason, Kate Mason Rowland, ed. (New York: Russell and Russell Inc., 1964), 2:172.

21. Robert D. Meade, Patrick Henry: Practical Revolutionary (Philadelphia: J.B. Lippincott Company, 1969), p. 437.

22. Babcock, "Manumission in Virginia," p. 53.

23. Ibid., p. 54.

24. Ibid., p. 39.

25. Alison Goodyear Freehling, Drift Toward Dissolution: The Virginia Slavery Debate of 1831-1832 (Baton Rouge: Louisiana State University Press, 1982), pp. 82-101 passim.

26. Ira Berlin, Slaves Without Masters: The Free Negro in the Antebellum South (New York: Oxford University Press, 1974), 101.

27. John Taylor, Arator: Being a Series of Agricultural Essays, Practical & Political in Sixty-One Numbers (Washington, D.C.: J.M. and J.B. Carter, 1813; microform ed., in Selected Americana from Sabin's Dictionary of Books Relating to American History, 1973.

28. William A. Freehling, The Road to Disunion: Secessionists at Bay 1776-1854 (New York: Oxford University Press, 1990), 195.

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